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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency, Department of Housing and Urban Development

1. Section 213.3344 is amended to show that the position of Assistant Commissioner for Program Planning, Housing and Home Finance Agency is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3344 is revoked.

2. Section 213.3384 is amended to show that three additional positions of Special Assistant to the Secretary and one additional position of Special Assistant to the Under Secretary are excepted under Schedule C. This section is also amended to show that the positions of President, Federal National Mortgage Association, and of his Special Assistant and Technical Assistant are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (13) and (17) are amended and subparagraphs (12), (29), and (30) of paragraph (a) are revoked as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.* * * *

(12) [Revoked]

(13) Three Special Assistants to the Under Secretary.

* * * * *

(17) Four Special Assistants to the Secretary.

* * * * *

(29) [Revoked]

(30) [Revoked]

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

UNITED STATES CIVIL SERVICE COMMISSION.

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

[F.R. Doc. 69-2381; Filed, Feb. 25, 1969; 8:50 a.m.]

Title 7—AGRICULTURE

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

[Lemon Reg. 361, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 910.661 (Lemon Reg. 361, 34 F.R. 2243) are hereby amended to read as follows:

§ 910.661 **Lemon Regulation 361.**

* * * * *

(a) *Order.* (1) * * *

(i) District 1: 21,390 cartons;

(ii) District 2: 172,050 cartons.

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

Dated: February 20, 1969.

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

[F.R. Doc. 69-2306; Filed, Feb. 25, 1969; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Paragraph (c) of § 205.1 is amended to read as follows:

§ 205.1 **Automatic revocation.**

* * * * *

(c) *Revalidation.* Any petition approved for status under section 203(a)(3) or (6) of the Act, which was automatically revoked by failure to obtain a visa within the prescribed period of time, may be revalidated by a district director retroactively as of the date of the initial approval, if the requirements of section 204 of the Act currently exist. A petitioner may request revalidation of such petition. Before the petition may be revalidated, the beneficiary's current eligibility must be established. The petitioner shall be notified of the decision on his request for revalidation and, if revalidation is not granted, of the reasons therefor, and shall have 15 days after the mailing of the notification of decision within which to appeal, as provided in Part 103 of this chapter. However, no appeal shall lie from a decision denying a request for revalidation of a petition filed for a preference under paragraph (3) or (6) of section 203(a) of the Act if the denial is based on the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act. When a visa petition has been approved, and subsequently a new petition by the same petitioner is approved in behalf of the same beneficiary, the latter approval shall be regarded as a revalidation of the original petition.

* * * * *

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

§ 231.1 [Amended]

1. The first sentence of paragraph (a) *Vessels* of § 231.1 *Arrival manifests for passengers* is amended to read as follows:

"The master or agent of every vessel arriving in the United States from a foreign place or from an outlying possession of the United States, except one arriving directly from Canada on a voyage originating in that country or one arriving in the Virgin Islands of the United States directly from the British Virgin Islands on a voyage originating in the latter islands, must present a manifest of all alien passengers on board to the immigration officer at the first port of arrival."

2. The first sentence of paragraph (b) *Aircraft* of § 231.1 *Arrival manifests for passengers* is amended to read as follows: "The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except one arriving directly from Canada on a flight originating in that country or one arriving in the Virgin Islands of the United States directly from the British Virgin Islands on a flight originating in the latter islands, must present a manifest in the form of a separate arrival-departure card (Form I-94) prepared for and presented by each alien passenger on board."

§ 231.2 [Amended]

3. The first sentence of paragraph (a) *Vessels* of § 231.2 *Departure manifests for passengers* is amended to read as follows: "The master or agent of every vessel departing from the United States for a foreign place or an outlying possession of the United States, except one departing directly to Canada on a voyage terminating in that country or one departing from the Virgin Islands of the United States directly to the British Virgin Islands on a voyage terminating in the latter islands, must present a manifest of all alien passengers on board to the immigration officer at the port of departure."

4. The first sentence of paragraph (b) *Aircraft* of § 231.2 *Departure manifests for passengers* is amended to read as follows: "The captain or agent of every aircraft departing from the United States for a foreign place or an outlying possession of the United States, except one departing directly to Canada on a flight terminating in that country or one departing from the Virgin Islands of the United States directly to the British Virgin Islands on a flight terminating in the latter islands, must present a manifest of all alien passengers on board."

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

§ 235.1 [Amended]

The first sentence of subparagraph (1) *Nonimmigrant applicants* of paragraph (f) *Arrival-Departure Card, Form I-94* of § 235.1 *Scope of examination* is amended to read as follows: "A completely executed Form I-94 endorsed to show date and place of admission, period of admission, and nonimmigrant classification shall be issued to each nonimmigrant alien admitted to the United States, except a nonimmigrant alien coming within the purview of § 212.1(a) of this chapter who is admitted as a visitor for business or pleasure or to proceed in direct transit through the United States; a nonimmigrant alien who has his residence in the British Virgin Islands and was admitted only to the U.S. Virgin Islands as a visitor for business or pleasure under the provision of § 212.1(b) of this chapter, and a Mexican national in possession of a valid Form I-186 who is admitted at a Mexican border port of entry as a border crosser or as a nonimmigrant visitor for a period of not more than 15 days to visit within the States of Texas, New Mexico, Arizona, or California."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

1. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "Pinnair Oy," and "Orient Overseas Line."

2. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by deleting the following transportation line: "British Eagle International Airlines, Ltd."

§ 238.4 [Amended]

3. The listing of transportation lines under "At Bermuda" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Trans International Airlines;" and under "At Vancouver," by adding the following transportation line in alphabetical sequence: "Wardair Canada Ltd."

4. The listing of transportation lines under "At Toronto" of § 238.4 *Preinspection outside the United States* is amended by deleting the following transportation line: "British Eagle International Airlines, Ltd."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 205.1(c) is editorial in nature; the amendments to §§ 231.1(a), 231.1(b), 231.2(a), 231.2(b), and 235.1(f)(1) confer benefits upon persons affected thereby; and the amendments to §§ 238.3(b) and 238.4 add and delete transportation lines to and from the listings, respectively.

Dated: February 19, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-2295; Filed, Feb. 25, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-WE-94]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

On December 20, 1968, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (33 F.R. 19027) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a joint use restricted area near Blythe, Calif., and include it in the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received which interposed no objection.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 3, 1969, as hereinafter set forth.

1. In § 73.25 (34 F.R. 4814) the following is added:

R-2532 BLYTHE, CALIF.

Boundaries: Beginning at lat. 33°30'30" N., long. 115°00'00" W.; thence counterclockwise along the arc of an 18-mile-radius circle centered on the Blythe, Calif., airport at lat. 33°37'15" N., long. 114°43'00" W.; to lat. 33°23'50" N., long. 114°53'00" W., to lat. 33°08'45" N., long. 114°56'40" W.; to lat. 33°22'50" N., long. 115°09'58" W.; to lat. 33°21'40" N., long 115°12'00" W.; to lat. 33°24'15" N., long. 115°17'00" W.; to lat. 33°25'50" N., long. 115°14'30" W.; thence to point of beginning.

Time of designation. Sunrise to sunset, April 3, 1969, through April 3, 1971.

Designated altitudes. 100 feet AGL to 17,000 feet MSL.

Controlling agency. FAA, Los Angeles ARTC Center.

Using agency. MCAS, Yuma, Ariz.

2. In § 71.151 (34 F.R. 4546) "R-2532 Blythe, Calif." is added.

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

Issued in Washington, D.C., on February 14, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-2296; Filed, Feb. 25, 1969; 8:47 a.m.]

[Docket No. 9113; Amdt. 93-15]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

This amendment contains modifications of the high density traffic airport rules prescribed in Part 93 of the Federal Aviation Regulations.

Amendment No. 93-13 prescribing high density traffic airport rules in Part 93 of the Federal Aviation Regulations was published on December 3, 1968 (33 F.R. 17896). In regard to the maximum number of IFR allocations prescribed therein for the various users of the airports involved, the preamble to the rule stated that the provisions of the rule would be kept under a continuing review and modified as circumstances require or permit. Since the rule was issued the FAA has received several petitions for reconsideration and one petition for revocation of the rule. In addition to these petitions, which were filed under the rule-making provisions of Part 11 of the Federal Aviation Regulations, many written comments were received from other interested persons who requested changes in the rules. In view of the deep concern of these interested persons and the short time that remains before Amendment 93-13 becomes effective, the FAA has expedited its reconsideration of the rule and finds that there is a need for the rule to insure the efficient utilization of the airports involved during this summer's increase in air traffic. However, it further finds that under the circumstances the rule should be modified in the following respects:

1. The total number of IFR reservations allocated for the John F. Kennedy Airport should be increased to 90 reservations per hour from 5 p.m. to 8 p.m. Of this total, 80 reservations should be allocated to air carriers except air taxi operators, five to scheduled air taxis, and five to other operations. This modification would eliminate the provision that provided for the use of that airport by only air carriers between 5 and 8 p.m.

2. Extra sections of scheduled air carrier flights should be permitted at any of the designated high density traffic airports except John F. Kennedy, without regard to the limitation upon the number of IFR reservations allotted for the particular airport. This modification would provide extra section capability at La Guardia, Newark, and O'Hare Airports in a manner similar to that already provided at Washington National Airport.

3. The rules should be temporary in nature and should be reviewed after a period of experience. To accomplish this the rule should terminate on December 31, 1969.

4. The effective date of the rule should be postponed to June 1, 1969, to provide additional time for the adjustment of operations by all users of the airports.

The modification in the use of the John F. Kennedy Airport contained in item 1, above, provides an opportunity to air taxi operators, business aircraft operators, and other operators of general aviation aircraft to use that airport during the peak hours. Ten additional IFR reservations per hour are allocated to that airport between 5 and 8 p.m., only, to accomplish this purpose. Increases in delay due to these additional flights are not expected to occur frequently and they are justified by the advantages of keeping the airport open to all classes of users.

The 10 additional reservations per hour allocated to the John F. Kennedy Airport will be equally divided between the scheduled air taxis and other operators. Thus, each of these classes of users will have an allocation of five IFR reservations per hour between the hours of 6 a.m. and midnight every day. The air carriers except air taxi operators will continue to have an allotment of 70 IFR reservations per hour during that period, but between 5 and 8 p.m. the allotment will be 80 per hour.

The authority for scheduled air carriers to conduct flights of extra sections to or from the La Guardia, Newark, and O'Hare airports is especially needed for "shuttle service". The provisions of Amendment 93-13 presently provide that extra sections of scheduled air carrier flights may be conducted to or from the Washington National Airport without regard to the number of hourly IFR reservations allocated for that airport. Since the basic element of the "shuttle service," assured seating, has received wide public acceptance it is in the public interest to provide to the extent possible for such service at the other airports involved. The flexibility needed for the shuttle flights and other extra sections of scheduled air carriers which has been provided at Washington National Airport should also be provided at the La Guardia, Newark, and O'Hare Airports. Any additional delay resulting from this increase in operations is more than offset by the benefits to be derived therefrom by the travelling public. Accordingly, the rule as amended herein permits a scheduled air carrier (not including an air taxi operator) to operate extra sections at those airports as well as the Washington National Airport, without regard to the limitation upon the number of hourly IFR reservations.

On January 15, 1969, the FAA instituted advanced flow control procedures. These procedures have shown that traffic may be metered into the New York Metropolitan area more efficiently. In addition, the FAA has consolidated its three New York area radar control facilities in a new "Common IFR Room" at the John F. Kennedy Airport. As a result of this consolidation, the FAA expects to accomplish, before the end of the calendar year, a major revamping and improvement of the airway structure and air traffic control procedures in the metropolitan area. These actions are intended to increase capacity in the New York area. As stated in the original rule the limitations prescribed therein are not the permanent solution to the air congestion problem. Therefore, it should be made a temporary rule with an expiration date of December 31, 1969. This will permit an orderly review of the operation of the rule during the summer months, evaluate the effectiveness of the advanced flow control procedures and other actions taken to expedite traffic during that time, and, if necessary, provide time needed to consider further rule-making action.

The increased allocations and other changes contained in this amendment provide urgently needed relief to the various classes of users of the airports involved. These changes, however, will require those users to consider any further changes needed for the planning of their operations. It is essential that this rule be in effect by the beginning of the summer increase in operations at those airports. Estimates by users of the time necessary to prepare properly for operation under the rule make notice and further rule-making procedures impracticable. Therefore, the rule is made effective on June 1, 1969.

All relevant comments contained in the various petitions for reconsideration or revocation received prior to the issuance of this rule have been considered in this rule-making action as provided in Part 11 of the rule-making procedures of the Federal Aviation Administration. Therefore, it has been determined that no further action will be taken on those petitions and the petitioners will be so notified by individual letter from the Associate Administrator for Operations.

In consideration of the foregoing, Amendment 93-13 to Part 93 of the Federal Aviation Regulations is rescinded and effective June 1, 1969, Part 93 is revised to read as follows:

1. Section 93.1 is amended by adding a new paragraph (e) to read as follows:

§ 93.1 Applicability.

* * * * *

(e) Subpart K of this part designates high density traffic airports and prescribes air traffic rules and other requirements for operating aircraft to or from those airports.

2. A new Subpart K is added to read as follows:

Subpart K—High Density Traffic Airports

Sec.
93.121 Applicability.
93.123 High density traffic airports.
93.125 Arrival or departure reservation and flight plan.
93.127 Aircraft requirements.
93.129 Additional operations.
93.131 Termination date.

AUTHORITY: The provisions of this Subpart K issued under secs. 103, 307 (a), (b), and (c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1303, 1348 (a), (b), and (c), 1354(a), 1421; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1665(c); § 1.4(b), Part 1, Regulations of the Office of the Secretary; 49 CFR 1.4(b).

§ 93.121 Applicability.

This subpart designates high density traffic airports and prescribes the aircraft equipment and air traffic rules for operating aircraft to or from those airports.

§ 93.123 High density traffic airports.

(a) Each of the following airports is designated as a high density traffic airport and, except as provided in § 93.129 and paragraph (b) of this section, or unless otherwise authorized by ATC, is limited to the hourly number of allocated IFR operations (takeoffs and landings) that may be reserved for the specified classes of users for that airport:

IFR OPERATIONS PER HOUR

Class of user	John F. Kennedy Airport	La Guardia Airport	Newark Airport	O'Hare Airport	Washington National Airport
Air carriers except air taxis	70	48	40	115	40
Scheduled air taxis	5	6	10	10	8
Other	5	6	10	10	12

(b) The following exceptions apply to the allocations of reservations prescribed in paragraph (a) of this section.

(1) The allocations of reservations among the several classes of users do not apply from 12 midnight to 6 a.m. local time, but the total hourly limitation remains applicable.

(2) The allocation of IFR reservations for air carriers except air taxis at the John F. Kennedy Airport is 80 IFR reservations per hour from 5 p.m. to 8 p.m.

(3) The allocation of 40 IFR reservations for air carriers except air taxis at the Washington National Airport does not include charter flights, or other nonscheduled flights of scheduled or supplemental air carriers. These flights may be conducted without regard to the limitation of 40 IFR reservations per hour.

(4) The allocation of IFR reservations for air carriers except air taxis at La Guardia, Newark, O'Hare, and Washington National Airports does not include extra sections of scheduled air carrier flights. These flights may be conducted without regard to the limitation upon the hourly IFR reservations for air carriers except air taxis at those airports.

(5) Any reservation allocated to, but not taken by, air carrier operations (except air taxis) is available for a scheduled air taxi operation.

(6) Any reservation allocated to, but not taken by, air carrier operations (except air taxis) or scheduled air taxi operations is available for other operations.

§ 93.125 Arrival or departure reservation and flight plan.

Unless otherwise authorized by ATC in a letter of agreement under § 93.129(c), no person may operate an aircraft to or from an airport designated as a high density traffic airport unless—

(a) He has received for that operation an arrival or departure reservation from ATC; and

(b) He has filed an IFR or VFR flight plan for that operation.

§ 93.127 Aircraft requirements.

Unless otherwise authorized by ATC in a letter of agreement under § 93.129(a), no person may operate an aircraft IFR to or from a high density traffic airport unless the aircraft is equipped with an operable coded radar beacon transponder having at least a Mode A/3 64 code capability, replying to Mode A/3 interrogation with the code specified by ATC.

§ 93.129 Additional operations.

(a) *IFR.* The operator of an aircraft may take off or land the aircraft under IFR at a designated high density traffic airport without regard to the maximum number of operations allocated for that airport if he obtains a departure or arrival reservation, as appropriate, from ATC. The reservation is granted by ATC whenever the aircraft may be accommodated without significant additional delay to the operations allocated for the airport for which the reservations is requested.

(b) *VFR.* The operator of an aircraft may take off or land the aircraft under VFR at a designated high density traffic airport if he obtains a departure or arrival reservation, as appropriate, from ATC. The reservation is granted by ATC whenever the aircraft may be accommodated without significant additional delay to the operations allocated for the airport for which the reservation is requested and the ceiling reported at the airport is at least 1,000 feet and the ground visibility reported at the airport is at least 3 miles.

(c) *Operations under letters of agreement.* The operator of an aircraft may take off or land the aircraft under either IFR or VFR at a designated high density traffic airport if he operates the aircraft without interference to any other aircraft operation and the operation is under the terms of a letter of agreement with the airport management and the appropriate ATC facility. An operation conducted under this paragraph (c) is not required to comply with the aircraft equipment requirements of § 93.127 except to the extent specified in the applicable letter of agreement.

§ 93.131 Termination date.

The provisions of §§ 93.121–93.129 of this subpart terminate December 31, 1969.

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

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-2380; Filed, Feb. 25, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8766]

PART 13—PROHIBITED TRADE PRACTICES

Imperial Carpets Co. and Edward D. Grube

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–235 Producer status of dealer or seller; 13.15–235(m) Manufacturer; § 13.70 *Fictitious or misleading guarantees;* § 13.125 *Limited offers or supply;* § 13.155 *Prices:* 13.155–33 Demonstration reduction; 13.155.100 Usual as reduced, special, etc.; § 13.175 *Quality of product or service.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1530 *Producer status of dealer;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1715 *Quality;* § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions;* § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Imperial Carpets Co. et al., Kansas City, Mo., Docket 8766, Jan. 24, 1969]

In the Matter of Imperial Carpets Co., a Corporation, and Edward D. Grube, Individually and as an Officer of Said Corporation

Final order requiring a Kansas City, Mo., retail carpet distributor to cease using deceptive pricing and quality claims and other misrepresentations to sell its merchandise, and misbranding textile fiber products.

The order to cease and desist is as follows:

It is ordered, That respondents Imperial Carpets Co., a corporation, and its officers, and Edward D. Grube, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of carpeting or floor coverings or any other products, in commerce, as "commerce"

is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Respondents' carpeting is a heavy duty or commercial grade carpeting; or misrepresenting, in any manner, the grade or quality of respondents' products.

(2) Respondents' carpeting is not available in retail stores.

(3) Respondents are commercial carpeting specialists or wholesalers.

(4) Respondents' principal business is selling heavy duty, high quality carpeting to commercial establishments.

(5) Respondents' carpeting is similar to carpeting previously sold only to commercial establishments.

(6) The price of respondents' products is a special or reduced price unless such price constitutes a significant reduction from any established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers or prospective purchasers of respondents' products.

(7) The home of any of respondents' customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising purposes; or that a reduced price or commission is given by respondents to purchasers in return for permitting the premises, in which respondents' products are to be installed to be used for model homes or demonstration purposes.

(8) Any offer of sale of respondents' products is limited in time or in any manner; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented limitation or restriction was actually imposed and in good faith adhered to.

(9) Respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(10) Respondents manufacture or install the products they sell; or misrepresenting, in any manner, the nature or character of the respondents' business operations or the manufacturer or source of respondents' products.

It is further ordered, That respondents Imperial Carpets Co., a corporation, and its officers, and Edward D. Grube, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Failing to affix a label to each such product showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to affix labels to samples, swatches or specimens of textile fiber products used to promote or effect the sale of such textile fiber products showing in words and figures plainly legible all the information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and secure from such salesmen or other persons a signed statement acknowledging ceipt of said order.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Imperial Carpets Co., a corporation, and Edward D. Grube, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: January 24, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2282; Filed, Feb. 25, 1969; 8:45 a.m.]

[Docket No. C-1486]

PART 13—PROHIBITED TRADE PRACTICES

Kurtz, Inc.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kurtz, Inc., New York, N.Y., Docket C-1486, Jan. 29, 1969]

Consent order requiring a New York City retailer of ladies' ready to wear garments to cease misbranding, falsely advertising and invoicing its fur products, removing required labels, and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Kurtz, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication on a label, that any price whether accompanied or not by descriptive terminology is the respondent's former price of such fur product unless such price is the price at which such fur product has been sold or offered for sale in good faith by the respondent in the recent regular course of business, or otherwise misrepresenting the price at which such fur product has been sold or offered for sale by respondent.

2. Falsely or deceptively representing on a label that savings are afforded to the purchaser of any such fur product or misrepresenting in any manner on a label or other means of identification the amount of savings afforded to the purchaser of such fur product.

3. Misrepresenting in any manner on a label that the price of such fur product is reduced.

4. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

5. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondent's former price of such fur product unless such price is the price at which such fur product has been sold or offered for sale in good faith by the respondent in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondent.

2. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

3. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent Kurtz, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist, except as provided in section 3(e) of the Fur Products Labeling Act, from removing or causing or participating in the removal of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur product, without substituting therefor a label conforming to section 4(2) of said Act.

It is further ordered, That the respondent corporation forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: January 29, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2283; Filed, Feb. 25, 1969; 8:45 a.m.]

[Docket No. C-1484]

PART 13—PROHIBITED TRADE PRACTICES

Lourie's Inc., and Abraham M. Lourie

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing Products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Lourie's, Inc., et al., Columbia, S.C., Docket C-1484, Jan. 29, 1969]

In the Matter of Lourie's, Inc., a Corporation, and Abraham M. Lourie, Individually and as an Officer of Said Corporation

Consent order requiring a Columbia, S.C., retailer of ladies' and men's ready to wear clothing to cease misbranding, falsely advertising and invoicing its fur products, removing required labels, and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lourie's Inc., a corporation, and its officers, and Abraham M. Lourie, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur products by:

1. Representing, directly or by implication on a label, that any price whether accompanied or not by descriptive terminology is the respondent's former price of such fur product unless such price is the price at which such fur product has been sold or offered for sale in good faith by the respondents in the recent regular course of business, or otherwise misrepresenting the price at which such fur product has been sold or offered for sale by respondents.

2. Falsely or deceptively representing on a label that savings are afforded to the purchaser of any such fur product or misrepresenting in any manner on a label or other means of identification the amount of savings available to the purchaser of such fur product.

3. Misrepresenting in any manner on a label that the price of such fur product is reduced.

4. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

5. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Represents, directly or by implication that any price, whether accompanied or not by descriptive terminology is the respondents' former price of such fur product unless such price is the price at which such fur product has been sold or offered for sale in good faith by the respondents in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondents.

2. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

3. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondents Lourie's, Inc., a corporation, and its officers, and Abraham M. Lourie, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist, except as provided in section 3(e) of the Fur Products Labeling Act, from removing or causing or participating in the removal of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur product, without substituting therefor a label conforming to section 4(2) of said Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 29, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2284; Filed, Feb. 25, 1969; 8:45 a.m.]

[Docket No. C1485]

PART 13—PROHIBITED TRADE PRACTICES

Arthur S. Oppenheimer

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary. Subpart—Concealing, obliterating, or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Arthur S. Oppenheimer, Fort Lauderdale, Fla., Docket C-1485, Jan. 29, 1969]

In the Matter of Arthur S. Oppenheimer, Individually and as Former Manager of a Ladies' Ready-To-Wear Department Leased by Kurtz Inc., a Corporation

Consent order requiring a former manager of a ladies' ready-to-wear department in a Fort Lauderdale, Fla., store to cease misbranding, falsely advertising and invoicing its fur products, removing required labels, and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Arthur S. Oppenheimer, individually and as former manager of a ladies' ready-to-wear department leased by Kurtz Inc., a corporation, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication on a label, that any price whether accompanied or not by descriptive terminology is the respondent's former price of such fur product unless such price is the price at which such fur product has been sold or offered for sale in good faith by the respondent in the recent regular course of business, or otherwise misrepresenting the price at which such fur product has been sold or offered for sale by respondent.

2. Falsely or deceptively representing on a label that savings are afforded to the purchaser of any such fur product or misrepresenting in any manner on a label or other means of identification the amount of savings afforded to the purchaser of such fur product.

3. Misrepresenting in any manner on a label that the price of such fur product is reduced.

4. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

5. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondent's former price of such fur product unless such price is the price at which such fur product has been sold or offered for sale in good faith by the respondent in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondent.

2. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

3. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent Arthur S. Oppenheimer, individually and as former manager of a ladies' ready to wear department leased by Kurtz Inc., a corporation, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist, except as provided in section 3(e) of the Fur Products Labeling Act, from removing or causing or participating in the removal of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur product, without substituting therefor a label conforming to section 4 (2) of said Act.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: January 29, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-2285; Filed, Feb. 25, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

2-Ethylamino-4-Isopropylamino-6-Methylthio-s-Triazine

A petition (PP 8F0638) was filed with the Food and Drug Administration by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for negligible residues of 2-ethylamino-4-isopropylamino-6-methylthio-*s*-triazine in or on: Bananas, pineapples, pineapple fodder and forage, potatoes, sugarcane, and sugarcane fodder and forage at 0.25 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide occurring in the edible tissues and byproducts of poultry or animals fed the above-named commodities, tolerances are unnecessary regarding meat, milk, eggs, or poultry. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Subpart C of Part 120:

§ 120.258 2-Ethylamino-4-isopropylamino-6-methylthio-*s*-triazine; tolerances for residues.

Tolerances are established for negligible residues of the desiccant and herbicide 2-ethylamino-4-isopropylamino-6-methylthio-*s*-triazine in or on bananas, pineapples, pineapple fodder and forage, potatoes, sugarcane, and sugarcane fodder and forage at 0.25 part per million.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2286; Filed, Feb. 25, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1007, 1090]

[Dockets Nos. AO-366-A1 and AO-266-A12]

MILK IN GEORGIA AND CHATTANOOGA, TENN., MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Read House Hotel, corner of Broad and West Ninth Street, Chattanooga, Tenn., beginning at 10 a.m., on March 27, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Georgia and Chattanooga, Tenn., marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to a redefinition of the Georgia and Chattanooga marketing areas raise the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Georgia Milk Producers Cooperative Association, Georgia Association of Dairy Cooperatives, and Beatrice Foods Co.:

Proposal No. 1. Include the Georgia counties of Floyd, Gilmer, Gordon, Pickens, and Union in the Georgia marketing area.

Proposed by Tennessee Valley Milk Producers, Inc.:

Proposal No. 2. Expand the Chattanooga marketing area to include the Georgia counties of Floyd, Gilmer, Gordon, Pickens, and Union.

Proposal No. 3. Amend §§ 1090.6 and 1090.11 so as to retain "producer" and "producer milk" status for producers and milk diverted by a handler or cooperative association to a nonpool plant provided the amount diverted shall not exceed 35 percent of the total nonmember milk received by the handler, or in the case of a cooperative, 35 percent of its member's milk.

Proposal No. 4. Amend handler and producer location differentials (§§ 1090.53 and 1090.74) so as to eliminate negative differentials which lower prices at plants located south of Chattanooga.

Proposed by Georgia Milk Producers Cooperative Association:

Proposal No. 5. Amend § 1090.53 to read as follows:

§ 1090.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located north of Georgia-Tennessee and Alabama-Tennessee borders, and 65 miles or more by shortest hard-surface highway distance as determined by the market administrator, from the city hall in Chattanooga, Tenn., and classified as Class I milk subject to the limitations pursuant to paragraph (c) of this section, or for other source milk for which a location adjustment is applicable pursuant to § 1090.70, the price computed pursuant to § 1090.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles;

(b) For milk received from producers at a pool plant located south of the Georgia-Tennessee and Alabama-Tennessee borders, and 65 miles or more by shortest hard-surface highway distance as determined by the market administrator, from the city hall in Chattanooga, Tenn., and classified as Class I subject to the limitations pursuant to paragraph (c) of this section, or for other source milk for which a location adjustment is applicable pursuant to § 1090.70, the price computed pursuant to § 1090.51 shall be increased by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles; and

(c) For the purposes of calculating adjustments, transfers between pool plants shall be assigned to that Class I disposition at the transferee plant, which is in excess of the sum of receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which the Class I price adjusted for location is highest and then in sequence with the plant with the next highest Class I price adjusted for location.

Proposed by Pet, Inc., Beatrice Foods Co., The Borden Co., Dempsey Brothers Dairies, Inc., Colonial Dairies, Foremost Dairies of the South Division of Home Town Foods, Inc., Kimball Dairies, Inc., Kinnett Dairies, Inc., Golden Glow Dairy, Sealtest Foods, Division National Dairy Products Corp., Starland Dairies, Inc.:

Proposal No. 6. Revise the proviso at the end of subparagraph (2) of paragraph (a) of § 1090.51 to read as follows: "Provided, That any addition or subtraction shall be limited to 20 cents per hundredweight;"

Proposed by Happy Valley Farms, Inc., Mayfield Dairy Farms, Inc., Sealtest Foods, Division National Dairy Products Corp., Ray Moss Farms, Inc.:

Proposal No. 7. Revise subparagraph (ii) of paragraph (a) of § 1090.41 to read as follows:

(ii) Products classified pursuant to paragraph (b) of this section.

Proposal No. 8. Insert a subparagraph (3-a) between subparagraph (3) and subparagraph (4) of paragraph (b) of § 1090.41 to read as follows:

(3-a) Skim milk represented by the nonfat solids used to produce reconstituted buttermilk.

Proposal No. 9. Revise paragraph (a) of § 1090.53 (Location adjustments to handlers) to read as follows:

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant that is outside the marketing area, north of an east-west line extending from the city hall in Chattanooga, Tenn., and more than 150 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) from the nearer of the city halls in Chattanooga and Knoxville, Tenn., shall be reduced 22 cents and an additional 1.5 cents for each 10 miles or fraction thereof in excess of 150 miles (by the shortest hard-surfaced highway distance as measured by the market administrator) that such plant is from the nearer of the city halls in Chattanooga or Knoxville.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 10. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator Post Office Box 8085, Chattanooga, Tenn. 37411, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on February 20, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-2326; Filed, Feb. 25, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards: Smallpox Vaccine

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Smallpox Vaccine.

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

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

Amend Part 73 of the Public Health Service Regulations as follows:

1. Add the following to the table of contents after "73.166 Equivalent methods.":

ADDITIONAL STANDARDS: SMALLPOX VACCINE

Sec.
73.170 The product.
73.171 Reference vaccine.
73.172 Production.
73.173 Tests for safety.
73.174 Potency test.
73.175 General requirements.
73.176 Equivalent methods.

§ 73.36 [Amended]

2. Delete § 73.36(f)(5).

3. Add the following immediately after § 73.166:

ADDITIONAL STANDARDS: SMALLPOX VACCINE

§ 73.170 The product.

(a) *Proper name and definition.* The proper name of this product shall be Smallpox Vaccine, which shall be a preparation of live vaccinia virus obtained from inoculated calves or chicken embryos.

(b) *Strains of virus.* The strain of seed virus used in the manufacture of Smallpox Vaccine shall be identified by historical records including origin and manipulation, shall be bacteriologically sterile, and shall be dermatropic according to the test prescribed in § 73.174(a).

§ 73.171 Reference vaccine.

Reference Smallpox Vaccine shall be obtained from the Division of Biologics Standards and shall be used for determining the potency of Smallpox Vaccine.

§ 73.172 Production.

Vaccinia virus used for the manufacture of vaccine shall be obtained from vesicles on the skin of an inoculated calf or from inoculated chorioallantoic membranes of chicken embryos.

(a) *Virus from calves*—(1) *Quarantine.* Only calves which prior to being placed in quarantine have reacted negatively to tuberculin, were afebrile and free of ectoparasites, and which shall have met all other applicable quarantine requirements of § 73.36(f)(2)(i), shall be used for vaccinia virus production. The quarantine period shall be at least 14 days. During the last 7 days of the quarantine period daily morning and afternoon rectal temperatures shall be taken and calves that do not remain afebrile during that period shall not be used for virus production.

(2) *Inoculation.* A larger area of the calf than will be used for production purposes shall be prepared in a manner comparable to that appropriate for aseptic surgery, except that the area to be inoculated must be washed free of all antiseptics that may have a deleterious effect on virus propagation. The instrument and method used for scarification must produce a uniform penetration into the epidermis but must not extend through into the corium.

(3) *Incubation.* The inoculated calf shall remain in the incubation room confined to its stall and daily morning and afternoon rectal temperatures shall be taken to determine that only the expected febrile condition occurs. If any signs of disease other than vesiculation at the inoculation site occur, the virus from that calf may not be used for vaccine manufacture.

(4) *Harvesting.* Before harvesting, the calf shall be anesthetized and killed by exsanguination. Just prior to harvesting, the inoculated area shall be thoroughly cleansed by aseptic techniques. Only the vesicular material shall be harvested.

(5) *Necropsy.* A necropsy shall be made of each production calf. The harvested material shall not be used from any animal suspected of having an infection other than vaccinia.

(b) *Virus from embryonated chicken eggs*—(1) *Eggs for production.* Embryonated chicken eggs used for propagation of vaccinia virus shall be derived from flocks certified to be free of, and continuously monitored for freedom from *Salmonella pullorum*, Mycoplasma species, avian tuberculosis, fowl pox, Newcastle disease virus, Rous sarcoma, avian leucosis complex, and other agents pathogenic for chickens, or appropriate tests shall be performed to demonstrate freedom of the vaccine from such agents.

(2) *Harvesting.* Aseptic techniques shall be used in harvesting the chorioallantoic membranes exhibiting vesicles characteristic of vaccinia infection.

§ 73.173 Tests for safety.

(a) *Virus from calves—Clostridium tetani.* Each viral harvest obtained from inoculated calves shall be tested for the presence of *Clostridium tetani* in the following manner: Prior to addition of a preservative a 2.0 ml. sample of the viral harvest shall be inoculated into each of at least four tubes containing freshly heated Fluid Thioglycollate Medium or four Smith fermentation tubes containing freshly heated Thioglycollate Broth Medium. The tubes shall be incubated at 35° to 37° C. and observed daily for at least 9 days for evidence of bacterial growth. Within 24–48 hours of an indication that there may be anaerobic growth, 1.0 ml. of culture in that tube shall be injected subcutaneously into each of at least three mice, each weighing not more than 20 grams, or into each of at least three guinea pigs, each weighing not more than 350 grams, or into both such groups of mice and guinea pigs. The animals shall be observed daily for 6 days for signs of tetanus. If the animals show no signs of tetanus, additional groups of the same types and numbers of animals shall be injected 9 days after the original planting, with a 1.0 ml. sample from the culture in each tube showing growth. The animals shall be observed daily for 6 days for signs of tetanus. If any animals die within 3 days without having shown signs of tetanus, the test shall be repeated within 18 hours of the deaths, with a 0.1 ml. sample of the culture from which that animal was inoculated. The sample shall be injected into each of three additional test animals of the same species and the animals observed daily for 6 days. If there is any evidence of the presence of *Clostridium tetani*, the viral harvest may not be used in the manufacture of Smallpox Vaccine.

(b) *Virus from calves—vaccines not intended for jet injection*—(1) *Anaerobes.* Prior to the addition of a preservative, a 2.0 ml. sample representative of the viral harvest obtained from each inoculated calf shall be inoculated into each of at least four tubes containing Fluid Thioglycollate Medium or four Smith fermentation tubes containing Thioglycollate Broth Medium. The tubes shall be held at 65° C. for 1 hour, then incubated at 35° to 37° C., and observed daily for 10 days for evidence of bacterial growth. If there is evidence of heat resistant anaerobes, the viral harvest may not be used for the manufacture of Smallpox Vaccine.

(2) *Viable bacteria.* Samples of each lot of both bulk and final container vaccine shall be tested for viable bacteria by a procedure designed to detect both aerobic and anaerobic growth through a period of 7 days. A sample of at least 3.0 ml. of bulk vaccine and 0.5 ml. of final container vaccine shall be tested. At least three 1.0 ml. samples of each dilution shall be inoculated into a volume of culture medium sufficient for optimal bacterial growth. The vaccine is not satisfactory if it contains more than 200 viable organisms per ml.

(3) *Coliform organisms.* A 5.0 ml. sample of bulk vaccine shall be tested for the presence of coliform organisms by the method published by the American Public Health Association, Inc., in "Standard Methods for the Examination of Water and Wastewater" (12th edition, 1965), section entitled "Test for Presence of Members of Coliform Group," pages 594–609, and any amendments or revisions thereof, which section is hereby incorporated by reference and deemed published herein. Said publication is

available at most medical and public libraries and copies of the pertinent section will be provided to any manufacturer affected by the provisions of this part upon request to the Director, Division of Biologics Standards, or to the appropriate Information Center Officer listed in 45 CFR Part 5. In addition, an official historic file of the material incorporated by reference is maintained in the Office of the Director, Division of Biologics Standards. A method different than that contained in the above cited section may be used to test for the presence of coliform organisms upon a showing that it is of equal or greater sensitivity. The ratio of the volume of inoculum to the volume of culture medium shall be such as will dilute the preservative to a level that does not inhibit growth of contaminating organisms. The vaccine is satisfactory if there is no evidence of coliform organisms.

(4) *Hemolytic streptococci and coagulase-positive staphylococci.* Each of three 1.0 ml. samples of bulk vaccine shall be spread uniformly on the surface of separate blood agar plates. The plates shall be incubated for 48 hours at 35° to 37° C. The vaccine is satisfactory if there is no evidence of the presence of either hemolytic streptococci or coagulase-positive staphylococci.

§ 73.174 Potency test.

Each lot of Smallpox Vaccine shall be tested for potency either by the "rabbit scarification" method or by the "pock count" method, as follows:

(a) *Rabbit scarification*—(1) *Reconstitution of reference vaccine.* The Reference Smallpox Vaccine shall be reconstituted with the fluid furnished by the Division of Biologics Standards with the reference vaccine, and shall be used immediately after reconstitution.

(2) *Dilutions.* Dilutions shall be made with no less than 0.5 ml. each of the test vaccine and of the reference vaccine, including dilutions 1: 3,000, 1: 9,000, and 1: 27,000. The same diluent shall be used for all the dilutions of both vaccines. The sample for vaccine in capillary tubes shall be obtained by pooling the contents of no less than 50 capillaries into a sterile container.

(3) *Preparation of test animals.* At least two rabbits with skin free of blemishes shall be used. The skin of the areas to be scarified must be free of hair, abrasions and virucidal and virustatic chemicals. Test sites measuring 2.5×5.0 cm. shall be marked off on the denuded skin of each rabbit without stretching the skin. All test sites shall be scarified uniformly.

(4) *Inoculation of test animals.* Immediately following thorough mixing, 0.2 ml. of each dilution of the test vaccine and of the reference shall be applied to the skin of each rabbit and rubbed into the appropriate scarified test area. After completion of all inoculations for each animal, the site shall be air dried with cool air and the animal then returned to its cage.

(5) *Recording the results.* The rabbits shall be observed daily and reactions read and recorded. The reading recorded at the height of reaction is to be used to calculate the maximum degree of reactivity for each dilution, which shall be determined by calculating the average percentage reaction of at least two nonrefractive animals used in testing each lot. The arithmetic mean of the average reactions occurring at the 1:3,000, 1:9,000, and 1:27,000 dilutions shall be computed and used to determine the potency ratio between the test vaccine and the reference.

(6) *Potency requirements*—(i) *Vaccine not intended for jet injection.* Vaccine not intended for administration by jet injector shall have a minimum potency ratio of 0.7 of the reference vaccine.

(ii) *Vaccine intended for jet injection.* One human dose of vaccine intended for administration by jet injector shall have an activity equivalent to not less than 0.7 times that of 0.1 ml. of the reference vaccine, diluted 1:30.

(iii) *Heated liquid vaccine.* Samples of liquid vaccine from final containers taken at random shall be incubated at 35° to 37° C. for at least 18 hours, after which a 1:1,000 dilution of the heated sample and a 1:3,000 dilution of an unheated sample from the same lot shall be tested in parallel in the same rabbit, as prescribed in this paragraph. The vaccine is satisfactory if the potency of the heated sample is at least equal to that of the unheated sample.

(iv) *Heated dried vaccine.* Samples of dried vaccine from final containers taken at random shall be incubated at 35° to 37° C. for 30 days, after which a 1:1,000 dilution of the heated sample and a 1:3,000 dilution of an unheated sample from the same lot shall be tested in parallel in the same rabbit, as prescribed in this paragraph. The vaccine is satisfactory if the potency of the heated sample is at least equal to that of the unheated sample.

(b) *Pock counting in embryonated chicken eggs*—(1) *Dilutions.* Dilutions shall be made with no less than 0.5 ml. of the test vaccine and of the reference vaccine. The same diluent shall be used for all dilutions of both vaccines. The sample of vaccine in capillary tubes shall be obtained by pooling the contents of no less than 50 capillaries into a sterile vessel.

(2) *Inoculation of embryonated chicken eggs.* The chorioallantoic membranes of each of at least five embryonated chicken eggs shall be inoculated with 0.2 ml. for each virus dilution of the test vaccine and the reference vaccine, after which the eggs shall be incubated at 37° C. for 48 hours.

(3) *Estimation of potency.* Only membranes from living embryos shall be removed and the number of discrete specific lesions thereon shall be counted and recorded. The number of pock forming units in 1.0 ml. of vaccine shall be calculated from the number of lesions, the dilution factor and the volume used, to determine the titer of the undiluted vaccine. The accuracy of the titration shall be confirmed in each test by performing simultaneously the same type of titration with the reference vaccine which shall demonstrate its assigned titer.

(4) *Potency requirements*—(i) *Vaccine not intended for jet injection.* Vaccine not intended for administration by jet injector shall have a titer of no less than 1×10^8 pock forming units per milliliter.

(ii) *Vaccine intended for jet injection.* Vaccine intended for administration by jet injector shall have a number of pock forming units in one human dose at least equivalent (±0.5 log) to that contained in 0.1 ml. of the reference diluted 1:30.

(iii) *Heated liquid vaccine.* Samples of liquid vaccine from final containers taken at random shall be incubated at 35° to 37° C. for at least 18 hours, after which the heated sample shall be tested in parallel with a sample of unheated vaccine of the same lot, as prescribed in this paragraph. The vaccine is satisfactory if the heated sample retains at least one tenth of the potency of the unheated sample.

(iv) *Heated dried vaccine.* Samples of dried vaccine from final containers taken at random shall be incubated at 35° to 37° C. for 30 days, after which the heated sample shall be tested in parallel with a sample of unheated vaccine of the same lot, as prescribed in this paragraph. The vaccine is satisfactory if the heated sample retains at least one tenth of the potency of the unheated sample.

§ 73.175 General requirements.

(a) *Sterility.* Each lot of vaccine prepared from virus propagated in embryonated chicken eggs and all vaccine intended for administration by jet injector shall be tested for sterility as prescribed in section 73.73, and shall meet the sterility requirements of that section.

(b) *General safety.* Each lot of vaccine shall be tested for safety as prescribed in § 73.72 and shall meet the safety requirements of that section, except that for liquid Smallpox Vaccine distributed in capillaries, the test may be performed with a sample of bulk vaccine taken at the time of filling into final containers.

(c) *Preservative.* A preservative that meets the § 73.78 requirements may be used, provided that if the preservative is phenol, its concentration shall not exceed 0.5 percent.

(d) *Labeling.* In addition to complying with all other applicable labeling provisions of this part, labels for multiple dose containers shall state whether or not the product is intended for administration by jet injector.

(e) *Samples; protocols; official release.* (1) For each lot of vaccine the following shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(i) A protocol which consists of a summary of the history of manufacture of each filling of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(ii) Three hundred capillaries of each filling of liquid vaccine.

(iii) Three 10 ml. samples of bulk liquid vaccine taken from the same vessel from which the submitted capillaries were filled.

(iv) A sample from each drying, consisting of no less than the equivalent of 30 ml. of reconstituted vaccine, packaged in final containers, but in no event less than six filled final containers.

(2) Smallpox Vaccine shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Division of Biologics Standards.

§ 73.176 Equivalent methods.

Modification of any particular manufacturing method or procedure or the conditions under which it is conducted as set forth in additional standards relating to Smallpox Vaccine shall be permitted whenever the manufacturer presents evidence to demonstrate that such modification will provide equal or greater assurances of the safety, purity, and potency of the vaccine as the assurances provided by such standards, and the Director, National Institutes of Health, so finds and makes such finding a matter of official record.

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

Dated: January 22, 1969.

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

Approved: February 19, 1969.

ROBERT H. FINCH,
Secretary

[F.R. Doc. 69-2294; Filed, Feb. 25, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WA-3]

VOR FEDERAL AIRWAYS

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate the U.S. portions of Victor airway No. 342 between Vancouver, British Columbia, Canada, and Princeton, British Columbia, Canada, and Victor airway No. 351 from Vancouver to Carmi, British Columbia, Canada.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the following airspace actions:

1. Designate VOR Federal airway No. 342 from Vancouver, British Columbia, with a 1,200-foot AGL floor to Princeton, British Columbia, via the intersection of Vancouver 090° T (067° M) and Princeton 244° T (222° M) radials, excluding the portion within Canada.

2. Designate VOR Federal airway No. 351 from Vancouver with a 1,200-foot AGL floor to the Carmi, British Columbia radio range via the intersection of the Vancouver 090° T (067° M) and Princeton 213° T (191° M) radials, excluding the portion within Canada.

These proposed airways would be utilized for the movement of instrument flight rule air traffic arriving and departing the Vancouver terminal area.

These actions are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-2297; Filed, Feb. 25, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-4]

VOR FEDERAL AIRWAY SEGMENTS

Proposed Alteration, Extension and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would realign and extend segments of VOR Federal airway No. 12 in the vicinity of Gaviota, Calif., and revoke V-25W between Santa Barbara, Calif., and Paso Robles, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 6551 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW, Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Realign and extend V-12 from Gaviota, Calif., with a 1,200-foot AGL floor to Fillmore, Calif., via Santa Barbara and the intersection of the Santa Barbara 109° T (093° M) and Fillmore 268° T (253° M) radials.

2. V-25 west alternate segment between Santa Barbara and Paso Robles would be revoked.

The proposed realignment of V-12 is 1 mile shorter than the present configuration between Santa Barbara and Fillmore, will permit a lower minimum en route altitude and will align the airway into an area of better radar coverage. V-25W is coincidental with segments of V-113, V-27 and the proposed redesignated V-12 from Gaviota to Santa Barbara.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

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

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-2298; Filed, Feb. 25, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18345, RM-1236]

FM BROADCAST STATIONS

Table of Assignments, Bay Shore, N.Y.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202 *Table of assignments,* FM Broadcast Stations. (Bay Shore, N.Y., Lake Havasu City, Ariz., Eupora, Miss., Sledge, Miss., South Haven, Mich., Marksville, La., Waverly, Tenn., Livermore and Hayward, Calif., North East, Pa., Lawrenceburg, Ky., and Bardstown, Ky.) Docket No. 18345, RM-1236, RM-1320, RM-1321, RM-1322, RM-1325, RM-1327, RM-1328, RM-1329, RM-1331, RM-1333, RM-1334, RM-1336.

1. In a notice of proposed rule making, released October 4, 1968, in this proceeding (FCC 68-995), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 276A to Bay Shore, N.Y. The time for filing comments was designated as November 12, 1968, and that for replies as November 22, 1968. Subsequent extensions have been granted for the filing of reply comments, the present date expiring February 20, 1969.

2. On February 17, 1969, WGLI, Inc. (proponent of above assignment), filed a request for a 30-day extension of time to and including March 24, 1969, in which to file reply comments. WGLI, Inc., states that an opposition to its proposal was filed by WTFM, Inc., and also a number of letters were filed by individuals and by representatives of the U.S. Department of the Interior, questioning the zoning approval of WGLI's proposed tower and raising further questions of a jurisdictional nature thereto. It further states that the foregoing oppositions have raised questions which will require further investigation and study by WGLI. It further states that due to inclement weather and other commitments of counsel, work on the local, as well as the Washington, scene has been delayed, despite every effort to expedite same. It therefore finds it necessary to request a further extension to and including March 24, 1969, in which to file reply comments. Counsel for WTFM, Inc., has consented to a grant of this request.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding in the matter of RM-1236 only is extended to and including March 24, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: February 18, 1969.

Released: February 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-2310; Filed, Feb. 25, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. SEA-8529]

MARGIN REQUIREMENTS FOR OTC SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new Rule 17a-12 (17 CFR 240.17a-12) under the Securities Exchange Act of 1934 ("the Act") to provide for the filing by certain broker-dealer market makers of notices on Form X-17A-12(1) (17 CFR 249.619) and reports on Form X-17A-12(2) (17 CFR 249.620) which would serve as the basis, under proposed rules and regulations of the Board of Governors of the Federal Reserve System ("Federal Reserve Board"), for exemptions from specified margin requirements of loans by banks to such broker-dealer market makers in "OTC margin stocks". These would consist of securities not registered on a national securities exchange which are on a list published by the Federal Reserve Board pursuant to section 3(d)(2) of Regulation U (12 CFR 221.3(d)(2)). Proposed Rule 17a-12 (17 CFR 240.17a-12) and proposed Forms X-17A-12 (1) and (2) would be adopted under the provisions of the Securities Exchange Act of 1934, and more particularly sections 15(b), 17(a), and 23(a) thereof.

On July 29, 1968, section 7 of the Act (15 U.S.C. 78g; Public Law 90-437; 82 Stat. 452) was amended to broaden the authority of the Federal Reserve Board over the extension, maintenance, and arrangement therefor, of credit for the purchasing or carrying of or trading in securities, to include certain securities not registered on a national securities exchange. As amended, the section leaves to the Federal Reserve Board the timing and selecting of criteria for the application of margin requirements to such securities.

On February 10, 1969, the Federal Reserve Board announced [34 F.R. 2257-2273] its proposals to amend its Regulations G, T, and U (12 CFR 207; 12 CFR 220; and 12 CFR 221) to implement section 7 of the Act as amended. The proposed amendments of Regulations G, T, and U provide, among other things, that the Federal Reserve Board will from time to time publish a list of securities eligible for margin pursuant to the amendment of section 7 based upon criteria in those regulations designed to limit the securities to be so listed to those securities, the issuers of which are of a character and permanence to warrant their being placed on the list and which have specified standards of a degree of national interest, of depth and breadth of market and of availability of information. Paragraph (w) of section 3 of Regulation U as proposed (12 CFR 221.3(w)) would exempt from the margin requirements of that regulation the extension and maintenance of credit on OTC margin stock by a bank to a broker-dealer who is an "OTC market maker" in such a security, as that term is defined in subparagraph (2) of section 3(w) of Regulation U. According to that definition, an OTC market maker with respect to any OTC margin stock is one who is in compliance with Rule 15c3-1 (17 CFR 240.15c3-1) and has and maintains a specified minimum amount of "net capital" (as that term is defined in Rule 15c3-1 (17 CFR 240.15c3-1) under the Act) and who (except when it is unlawful) regularly publishes bona fide competitive bid and offer quotations in a recognized interdealer quotation system; is ready, willing, and able to effect transactions in reasonable amounts at his quoted prices with other brokers and dealers; and has a reasonable average rate of inventory turnover in the security. Under the proposal, the minimum net capital of an OTC market maker would be $25,000 plus $5,000 for each OTC margin stock in which he is a market maker in excess of 5, except that he would not be required to have net capital of more than $250,000 to be an OTC market maker. The proposed rule takes into account the possibility that certain antimanipulative provisions of the federal securities laws, such as Rule 10b-6 (17 CFR 240.10b-6) under the Act, would prohibit an OTC market maker from meeting all of the conditions of the definition of an OTC market maker on certain occasions. For that reason, the rule imposes those conditions "except when it is unlawful". The term "interdealer quotation system" would have the same meaning as in Rule 15c2-7 (17 CFR 240.15c2-7) under the Act.

The purpose of proposed Rule 17a-12 (17 CFR 240.17a-12) and of proposed Forms X-17A-12(1) (17 CFR 249.619) and X-17A-12(2) (17 CFR 249.620) is to implement the proposed OTC market maker exemption provided for by paragraph (w) of section 3 of Regulation U, by enabling the Commission to carry out its enforcement and administrative responsibilities with respect to them under the Act. Accordingly, paragraph (e) of proposed Rule 17a-12 (17 CFR 240.17a-12) contains a definition of "OTC market maker" similar to that in subparagraph 2 of section 3(w) of Regulation U. In addition, proposed Rule 17a-12 (17 CFR 240.17a-12) provides that a broker-dealer who is an OTC market maker in any OTC margin stock must file a notice on Form X-17A-12(1) (17 CFR 249.619) with the Commission within 10 days after the effectivee date of the rule; or, if he thereafter becomes an OTC market maker in any such security or is a market maker of a security placed on the OTC margin stock list after he became a market maker in that security, he would be required to file such a notice within 5 days after becoming such a market maker or after the security has been placed on the list, as the case may be. Proposed Rule 17a-12 (17 CFR 240.17a-12) further provides that, within 5 days after ceasing to be an OTC market maker in such a security, a broker-dealer must notify the Commission of that fact. Form X-17A-12(1) (17 CFR 249.619) is to be used for that purpose. In addition, it is proposed by the rule that an OTC market maker be required to file quarterly reports with the Commission on Form X-17A-12(2) (17 CFR 249.620).

Form X-17A-12(1) (17 CFR 249.619) as proposed, would identify the security in which the broker-dealer is an OTC market maker, and would also serve as a form to notify the Commission that he has ceased to be such a market maker in

such security. Form X–17A–12(2) (17 CFR 249.620) would constitute a report setting forth details on the borrowings of the OTC market maker, exempted from the margin requirements, collateralized by the OTC margin stock which is the subject of the report. If he had any such loans, he would have to furnish information respecting the maintenance of the net capital specified in Rule 17a–12 (17 CFR 240.17a–12), and details as to his position in the security at the end of the quarter, his maximum position during the quarter, the daily average closing position during the quarter, in addition to his trading activity in the security in that period. This form also contains a certification by the broker-dealer that he has not accepted credit from a bank in reliance on the OTC market maker's exemption when he did not have or maintain the required minimum net capital or did not meet the other conditions of the exemption.

Reports filed by a broker-dealer on Form X–17A–12(2) (17 CFR 249.620) would be maintained in a nonpublic file, but would be available for official use to any official or employee of the United States or any state, and to every national securities exchange or registered national securities association of which he is a member, as well as to any other person to whom the Commission authorizes disclosure in the public interest.

Pursuant to the Securities Exchange Act of 1934, particularly sections 15(b), 17(a), and 23(a) thereof, the Commission proposes to amend Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereto a new § 240.17a–12 and new §§ 249.619 and 249.620 (Forms X–17A–12 (1) and (2)). The text of the proposed new sections reads as follows:

§ 240.17a–12 Reports to be filed by market makers in OTC margin securities.

(a) Every broker or dealer registered pursuant to section 15 of the Act who, on the effective date of this section, is an OTC market maker in any security which is not registered on a national securities exchange and which is on a list published by the Board of Governors of the Federal Reserve System ("the Board") pursuant to section 3(d)(2) of Regulation U under the Securities Exchange Act of 1934 (12 CFR 221.3(d)(2)) shall, within 10 days after the effective date of this section, file a notice on Form X–17A–12(1) (§ 249.619 of this chapter) with the Commission identifying each security as to which he was a market maker on the effective date of this section.

(b) Every registered broker-dealer who, after the effective date of this section, becomes an OTC market maker in any security which is not registered on a national securities exchange and which is on a list published by the Board pursuant to section 3(d)(2) of Regulation U under the Securities Exchange Act of 1934 (12 CFR 221.3(d)(2)) or is an OTC market maker in a particular security which is placed on such list after he becomes a market maker in such security, shall, within 5 days after he becomes such a market maker or after it is placed on such list, as the case may be, file with the Commission a notice on Form X–17A–12(1) (§ 249.619 of this chapter) identifying each such security.

(c) Every registered broker-dealer who has filed a notice under paragraph (a) or (b) of this section who ceases to be an OTC market maker in any security listed in any notice filed under such paragraphs shall, within 5 days thereafter, notify the Commission on Form X–17A–12(1) (§ 249.619 of this chapter) that he has ceased to be a market maker with respect to such security.

(d) Every registered broker-dealer who, during any calendar quarter, is or has been an OTC market maker in any security which is not registered on a national securities exchange and which is on a list published by the Board pursuant to section 3(d)(2) of Regulation U under the Securities Exchange Act of 1934 (12 CFR 221.3(d)(2)) shall, within 10 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X–17A–12(2) (§ 249.620 of this chapter).

(e) For the purpose of this section, a dealer shall be deemed an "OTC market maker" in a security which is not registered on a national securities exchange and which is on a list published by the Board pursuant to section 3(d)(2) of Regulation U under the Securities Exchange Act of 1934 (12 CFR 221.3(d)(2)), if he is in compliance with §240.15c3–1, has and maintains minimum net capital, as defined in § 240.15c3–1 of $25,000 plus $5,000 for each such security in excess of 5 in respect of which he has filed and not withdrawn the notice on Form X–17A–12(1) (§ 249.619 of this chapter), except that he shall not be required to have net capital of more than $250,000 to be an OTC market maker under the provisions of this section, and if, except when such activity is unlawful, he meets all of the following conditions with respect to such security: (1) He regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system, (2) he furnishes bona fide, competitive bid and offer quotations to other brokers and dealers on request, (3) he is ready, willing and able to effect transactions, in reasonable amounts, and at his quoted prices, with other brokers and dealers, and (4) he has a reasonable average rate of inventory turnover.

(f) Reports on Form X–17A–12(2) (§ 249.620 of this chapter) will be maintained in a nonpublic file: *Provided, however,* That any such report shall be available for official use, to any official or employee of the United States or any State, to any national securities exchange and any registered national securities association of which the broker-dealer filing such report is a member, and to any other person to whom the Commission authorizes disclosure in the public interest.

§ 249.619 Form X–17A–12(1) Notification required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–12 of this chapter.

This form must be executed and filed with the Commission pursuant to paragraph (a) of § 240.17a–12 of this chapter within 10 days by every registered broker-dealer who, on the effective date of said section is an OTC market maker as defined in paragraph (e) of said section; and pursuant to paragraphs (b) and (c) respectively of § 240.17a–12 of this chapter by each broker-dealer within 5 days after becoming or ceasing to be such OTC market maker.

§ 249.620 Form X–17A–12(2) Quarterly report required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–12(d) of this chapter.

This form must be executed and filed with the Commission as a quarterly report, pursuant to paragraph (d) of § 240.17a–12 of this chapter, within 10 days after the close of each calendar quarter, by each broker-dealer who is or who has been an OTC market maker, as defined in paragraph (e) of § 240.17a–12 of this chapter during such quarter.

(Sections 7, 15(b), 17(a) and 23(a), 48 Stat. 895, 897, 901, as amended 49 Stat. 1379, 82 Stat. 452, 15 U.S.C. 78g, 78o, 78q and 78w)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before March 20, 1969. All such communications will be considered available for public inspection.

By the Commission.

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

FEBRUARY 19, 1969.

[F.R. Doc. 69–2301; Filed, Feb. 25, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC–37 (Sub-No. 14)]

COMMERCIAL ZONES

Atlanta, Ga.

FEBRUARY 20, 1969.

Petitioners: EAST TEXAS MOTOR FREIGHT, INC., T.I.M.E. FREIGHT, INC., AKERS MOTOR LINES, INC., AND ALTERMAN TRANSPORT LINES, INC. Petitioners' representatives: Paul M. Daniel and Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. By petition filed February 7, 1969, petitioners request the Commission to institute a proceeding for the purpose of specifically defining the limits of the zone adjacent to and commercially a part

of Atlanta, Ga., which are now prescribed by the general formula promulgated in *commercial zones and terminal areas*, 46 M.C.C. 665 (49 CFR 1408.101). Such formula provides that a city, such as Atlanta, having a population greater than 100,000, and which has not been accorded individual consideration, shall have a commercial zone which consists of, and includes, the following: (a) The municipality itself; (b) all municipalities within the United States which are contiguous to the base municipality; (c) all unincorporated areas within 5 miles of its corporate limits and all of any other municipality any part of which is within 5 miles of the corporate limits of the base municipality; and (d) all municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality.

The instant petition requests specific definition of the Atlanta commercial zone to include all of the area which is included by the application of the above formula, and, in addition, all points within a line drawn approximately 8.5 miles beyond the corporate limits of Atlanta, specifically:

(1) The municipality of Atlanta, Ga., itself.

(2) All points within the area bounded by a line beginning at the junction of Fayette County, Fulton County, and Clayton County lines; thence west in a southwesterly direction along the Fayette County line to its junction with Johnson Road; thence in a westerly direction along Johnson Road to its junction with Interstate 85; thence in a north-northwesterly direction along an imaginary straight line to the junction of Campbellton-Fairburn Highway (State Highway 92) and Cascade-Palmetto Highway (State Highways 70 and 154); thence in a northerly direction along Campbellton-Fairburn Highway (State Highway 92) to its junction with Lee Road; thence in a northerly direction along Lee Road to its junction with Sweetwater Road; thence in a northerly direction along Sweetwater Street to its junction with Bankhead Highway (State Highway 8) and Hiram-Lithia Springs Road; thence in a north-northwesterly direction along Hiram-Lithia Springs Road to its junction with Meadows Road; thence in a north-northwesterly direction along an imaginary straight line to the junction of John Ward Road and Cheatham Hill Road; thence along John Ward Road to the corporate limits of Marietta, Ga.; thence in a clockwise direction along the western, northern, and eastern corporate limits of Marietta to the junction of Allgood Road and Scufflegrit Road; thence in an easterly direction along Allgood Road to its junction with Piedmont Road; thence in an easterly direction along an imaginary straight line to the junction of Canton Road and Roswell Road (State Highway 120); thence in a northeasterly direction along Roswell Road to the corporate limits of Roswell, Ga.; thence in a clockwise direction along the western, northern, and eastern Roswell corporate limits to junction with the Chattahoochee River; thence in an east-southeasterly direction along the Chattachoochee River to Holcomb Bridge Road; thence in a southeasterly direction along Holcomb Bridge Road to the corporate limits of Norcross, Ga., to its junction with Pirkle Road; thence in a south-southeasterly direction along an imaginary straight line to the junction of Lawrenceville Highway (U.S. 29) and Harmony Grove Church Road; thence in a southerly direction along an imaginary straight line to the junction of Park Boulevard and the corporate limits of Stone Mountain, Ga.; thence in a clockwise direction along the corporate limits of Stone Mountain, Ga., to junction with Stone Mountain-Lithonia Road; thence in a southerly direction along Stone Mountain-Lithonia Road to its junction with Panola Road; thence along Panola Road to its junction with Snapfinger Road (State Highway 155); thence in a southwesterly direction along an imaginary straight line to the southeast corner of the corporate limits of Jonesboro, Ga.; thence along the southern and western corporate limits of Jonesboro, Ga., to junction with Flint River Road; thence in a westerly direction along Flint River Road to its junction with Fayette County line; thence along the Fayette County line in a northerly and westerly direction to the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed specific definition of the boundary of the Atlanta, Ga., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before March 31, 1969. Each such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representative.

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

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2314; Filed, Feb. 25, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. 69-62; Treasury Department Order 165-21; Rev. 1]

COMMISSIONER OF CUSTOMS

Delegation of Certain Functions Under the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets

FEBRUARY 17, 1969.

(1) By virtue of authority vested in the Secretary of the Treasury by Executive Order No. 11450 dated January 18, 1969 (34 F.R. 919), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 5 (33 F.R. 5811), the Commissioner of Customs is hereby designated to take all necessary action required of the United States under section 1 of Article 5 of the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention) to which the U.S. Senate gave its consent on March 1, 1967, and shall exercise his authority hereunder subject to the conditions set forth in section 2 of said Article 5.

(2) Treasury Department Order No. 165-21, differing in text but not in substance, is hereby rescinded.

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-2325; Filed, Feb. 25, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

NECTARINES GROWN IN CALIFORNIA

Findings and Determinations With Respect to Continuation in Effect of Marketing Agreement and Order

Pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER on December 3, 1968 (33 F.R. 17925), that a referendum would be conducted among the growers who, during the current marketing season beginning on May 1, 1968 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in the State of California, in the production of nectarines for market to determine whether a majority of such growers favor the termination of the said amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 17, through January 27, 1969, both dates inclusive, it is hereby found and determined that the termination of the said amended marketing agreement and order, regulating the handling of nectarines grown in the State of California, is not favored by the requisite majority of such growers.

Dated: February 19, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-2307; Filed, Feb. 25, 1969; 8:47 a.m.]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Findings and Determinations With Respect to Continuation of Amended Marketing Agreement and Order

Pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER on December 3, 1968 (33 F.R. 17924), that a referendum would be conducted among the growers who, during the period March 1, 1968, through December 1, 1968 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production of any fruit covered by said amended marketing agreement and order (as the term "Fruit" is therein defined) for shipment in fresh form to ascertain whether continuation of said amended marketing agreement and order as to such fruit is favored by the growers.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 17 through 27, 1969, it is hereby found and determined that the termination of the said marketing agreement and order, with respect to any of the fruits covered thereby, is not favored by the requisite majority of such growers.

Dated: February 19, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-2308; Filed, Feb. 25, 1969; 8:47 a.m.]

Packers and Stockyards Administration

OAKDALE LIVESTOCK AUCTION CO. ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Oakdale Livestock Auction Co., Oakdale, Calif.
Oxford Sale Barn, Oxford, Iowa.
Earl H. Harker & Sons, Vincentown, N.J.
Hennessey Sale, Hennessey, Okla.
Prague Stockyards, Prague, Okla.
Cattlemen's Exchange, Inc., Edinburg, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 18th day of February 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-2327; Filed, Feb. 25, 1969; 8:49 a.m.]

VALLEY LIVESTOCK COMMISSION CO., INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
IDAHO	
Valley Livestock Commission Co., Inc., Rupert, Mar. 11, 1957.	Valley Livestock Commission Co., Nov. 13, 1968.
KENTUCKY	
Albany Stockyards, Inc., Albany, Dec. 9, 1959-----	Albany Stock Yards, Jan. 1, 1969.
MINNESOTA	
Thief River Livestock Auction Market, Thief River Falls, Oct. 2, 1961.	Thief River Livestock Auction, Inc., Feb. 1, 1969.
NEW JERSEY	
Skip and Stoney Auctioneers, Inc., Woodstown, Dec. 21, 1959.	Cowtown Auctioneers, Inc., Feb. 4, 1969.
TEXAS	
Blanco Livestock Commission Co., Inc., Blanco, Aug. 18, 1961.	Blanco Livestock Commission Co., Sept. 1, 1968.
Farmers & Ranchers Livestock Commission Company, Paris, Aug. 28, 1957.	Farmers & Ranchers Livestock Commission Company, Inc., Nov. 1, 1968.
Sealy Livestock Auction Company, Sealy, Apr. 30, 1957.	Sealy Livestock Auction—A Part of Port City Stockyards Co., Inc., May 22, 1968.
WASHINGTON	
Washington Livestock Market Co., Davenport, July 12, 1962.	Davenport Livestock Auction, Inc., Feb. 7, 1969.
Prosser Livestock Market, Inc., Prosser, Sept. 22, 1959.	Prosser Commission Company, Dec. 28, 1968.

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

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-2328; Filed, Feb. 25, 1969; 8:49 a.m.]

[P&S Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 25, 1968, continuing in effect to and including June 30, 1970, an order issued on June 24, 1966 (25 A.D. 824), authorizing the respondent, Union Stock Yards Company of Omaha (Ltd.), Omaha, Nebr., to assess the current temporary schedule of rates and charges.

By a petition filed on January 30, 1969, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges, amending its regular yardage charge by setting forth a new rate or charge for services in connection with livestock handled at regularly scheduled auctions at the stockyard. The new provision would be inserted in the current schedule as indicated below:

That section No. 1 to Schedule No. 21 of charges be amended by adding the following statement immediately before the word "Exceptions":

In addition to all other applicable charges, the following charges will be assessed on cattle and calves offered for sale at regularly scheduled auctions at this market:

Cattle and/or calves---- 35 cents per head.

The above charge applies on all livestock offered in the ring, regardless of whether sold or not sold.

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of February 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-2329; Filed, Feb. 25, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NORTHWESTERN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00169-33-46040. Applicant: Northwestern University, 2145 North Sheridan, Evanston, Ill. 60201. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used in biological ultrastructural research and the correlation of cell ultrastructure and function. Principle projects concerned are ultrastructural studies of oogenesis and function of synaptic vesicles. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the applicant placed a bona fide order for the foreign article—June 17, 1968, with a quoted delivery time of 1 week. (See letter from applicant dated Oct. 15, 1968.) Reasons: (1) The foreign article provides a guaranteed resolving capability of 5 angstroms. The most closely comparable electron microscope available at the time the foreign article was ordered, was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 provided a resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. (2) The foreign article provides a 25-kilovolt accelerating voltage, which affords optimum contrast for thin unstained biological specimens. The RCA Model EMU-4 provided 50- and 100-kilovolt accelerating voltages. Since the investigations for which the foreign article will be used involve experiments with thin unstained biological specimens, the availability of 25-kilovolt accelerating voltage is a pertinent characteristic.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article

for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2275; Filed, Feb. 25, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00157-33-46040. Applicant: University of California, Davis, Zoology Department, Davis, Calif. 95616. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used for research in the following categories:

(a) Chromosome fine structure. For this research, chromosomes, nuclei, nucleoprotein, and nucleic acid preparations are isolated from both plants and animals by two methods: The Langmuir trough, in which surface forces are used to break up and spread cells, and standard preparation methods for isolating nucleic acids and nucleoproteins.

(b) Research in genetics.

(c) Membrane structure of sacroplasmic reticulum.

Comments: No comments have been received with respect to this application. Decision: application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the applicant placed a bona fide order for the article (May 22, 1968, with delivery on Aug. 5, 1968—see letter from applicant dated Oct. 14, 1968). Reasons: (1) The foreign article has a guaranteed resolving capability of 5 angstroms. The only known domestic electron microscope available at the time the applicant placed the order for the article was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 had a guaranteed resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is pertinent. (2) The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article involve the use of negatively stained specimens, the 75-kilovolt accelerating voltage of the foreign article is a pertinent characteristic.

For the foregoing reasons, we find that the RCA Model EMU-4 electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant ordered the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc 69-2276; Filed, Feb. 25, 1969; 8:45 a.m.]

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00171-33-46040. Applicant: University of Cincinnati, Kettering Laboratory, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in two major areas. One is the subcellular localization of various constituents of the central nervous system, particularly those concerned with neurotransmission. In this investigation it is necessary to identify storage sites. The second area of research is concerned with the biological effects of various trace metals, both essential and nonessential. To be undertaken is the investigation of the inhibition or activation of various enzyme systems by the presence or absence of zinc, lead, copper, cadmium, or beryllium. The subcellular localization of the metal enzymes is of great importance. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 25, 1968). Reasons: (1) The foreign article has a guaranteed resolving power of 5 angstroms. The only known comparable domestic instrument which was available prior to July 1, 1968, was the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2277; Filed, Feb. 25, 1969; 8:45 a.m.]

UNIVERSITY OF GEORGIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00160-33-46040. Applicant: University of Georgia, Division of Biological Sciences, Athens, Ga. 30601. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for research projects that will cover a wide spectrum of interests. Specific projects include the following:

(a) An investigation of the ultrastructure and chemistry of organisms in cryptobiosis.

(b) The study of the mechanism of assembly of microtubules from cytoplasmic precursor material during maturation of the sperm in the seminal vesicle of the snail *Limnae stagnalis*.

(c) The biochemical and morphological characterization of the basic structural subunits that self-assemble to form the fertilization membrane of the sea urchin egg.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The only known comparable domestic instrument is the Model EMU-4B electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4B has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2278; Filed, Feb. 25, 1969; 8:45 a.m.]

UNIVERSITY OF IOWA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00165-33-46500. Applicant: University of Iowa, Department of Zoology, Iowa City, Iowa 52240. Article: Ultramicrotome, Reichert Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to cut very thin, uniform serial sections of Epon-embedded protozoan cells and subcellular fractions. High resolution micrographs of cortical organelles during differentiation and regression are to be obtained. The article must section tissue continuously at variable thickness from 0 (±5) to 10,000 angstrom/section. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a minimum thickness capability of at least 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 provides a minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) that the capability to routinely produce sections of less than 100 angstroms is pertinent to the purposes for which the foreign article is intended to be used. (Memorandum from HEW dated Dec. 17, 1968.) (2) The foreign article provides a thermal advance, whereas the Sorvall Model MT-2 provides a mechanical advance. In this connection, HEW advises in cited memorandum that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." Since long ultrathin and uniform series of sections are required for achieving the purposes for which the foreign article is intended to be used, the thermal advance is a pertinent characteristic. For the foregoing reasons, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2279; Filed, Feb. 25, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ANTILEPRA AGENTS (DAPSONE, SODIUM SULFOXONE, SODIUM GLUCOSULFONE, AND ACETOSULFONE SODIUM)

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated the reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following antilepra agents:

1. Dapsone; marketed as Avlosulfon, 100 milligrams per tablet; by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017 (NDA 10-039).

2. Sodium sulfoxone; marketed as Diasone Sodium, 330 milligrams per enteric-coated tablet; by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 6-044).

3. Sodium glucosulfone; marketed as Promin Solution for Injection; 5 grams per 12.5 milliliters; by Parke, Davis & Co., Joseph Campau Avenue at the River, Detroit, Mich. 48232 (NDA 5-596).

4. Acetosulfone sodium; marketed as Promacetin; 0.5 gram per tablet; by Parke, Davis & Co. (NDA 6-997).

The Food and Drug Administration concludes that these drugs are effective bacteriostatic agents against *Mycobacterium leprae* and are suitable for the treatment of all forms of leprosy and that one of these drugs (sodium sulfoxone) is an effective form of therapy in dermatitis herpetiformis.

These drugs continue to be regarded as "new drugs" (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update "deemed approved" applications providing for these drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the reports of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards dapsone, sodium sulfoxone, sodium glucosulfone, and acetosulfone

sodium as effective bacteriostatic agents against *Mycobacterium leprae* and suitable drugs for the treatment of all forms of leprosy. In addition, sodium sulfoxone is regarded as an effective form of therapy in dermatitis herpetiformis.

B. *Drug forms.* Preparations of dapsone in tablet form suitable for oral administration, sodium sulfoxone in enteric-coated tablet form suitable for oral administration, sodium glucosulfone in injectable form suitable for intravenous administration, and acetosulfone sodium in tablet form suitable for oral administration contain per tablet or other dosage unit an amount appropriate for administration in the dosage ranges described in the labeling conditions in this announcement.

C. *Labeling conditions.*

1. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder and those parts of their labeling indicated below are substantially as follows (optional additional information applicable to the drugs may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DAPSONE

DESCRIPTION

(Descriptive information to be included by manfacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

Bacteriostatic against *Mycobacterium leprae.*

INDICATION

All forms of leprosy.

CONTRAINDICATION

Hypersensitivity to dapsone and/or its derivatives.

WARNINGS

Severe anemia should be treated prior to initiation of therapy.

If severe anemia develops, the drug should be discontinued and appropriate therapy for the anemia instituted.

At the first sign of hypersensitivity reaction (including a lepra reaction), sulfone therapy must be discontinued at once and appropriate treatment initiated.

PRECAUTIONS

Periodic hemograms are indicated during the course of therapy with sulfone preparations.

In glucose-6-phosphate-dehydrogenase deficient individuals, the hemolytic effect of sulfone preparations may be exaggerated.

With the appearance of the lepra reaction (for example, erythema nodosum, erythema multiforme, erythema necrotans), treatment with sulfones should be suspended. Suspension should be continued until all signs of reaction subside and for about 1 or 2 weeks thereafter. Sulfone treatment should be resumed with a dose smaller than that used at the time of appearance of reaction, and the increase in dose should be even more gradual. It may not be advisable to increase the dose beyond the level at which the reaction appeared.

A small proportion of cases, especially the lepromatous, may not be able to tolerate even the small doses indicated earlier. In such case, an attempt should be made to build up tolerance, starting with minute doses; otherwise an alternative drug may have to be used.

ADVERSE REACTIONS

Hematologic effects: Dose-related hemolysis is the most common toxic effect, including hemolytic anemia (in patients with or without G–6PD deficiency). Other hematologic effects include: Methemoglobinemia, leucopenia, and agranulocytosis.

Dermatitis is probably one of the most serious complications of sulfone therapy and is directly due to drug sensitization. If dermatitis occurs, there is danger of exfoliative dermatitis developing along with enlargement of the liver and damage to that structure. Exfoliative dermatitis is not infrequently fatal; therefore, at the first sign of this reaction sulfone therapy must be discontinued and appropriate therapy instituted.

Lepra reaction: This reaction may be precipitated by infection or excessive antilepra medication or may appear without apparent cause.

Hepatitis.

Psychosis.

NOTE: Nausea, vomiting, headaches, giddiness, and tachycardia are uncommon if the dosage is gradually increased.

DOSAGE AND ADMINISTRATION

Therapy should be initiated with the lowest dose possible, increasing gradually until an optimal dose is reached.

1. Spaced dosage—a recommended regimen for:

a. Uncomplicated lepromatous leprosy in adults is as follows:

	Milligrams
1st–4th weeks	25 twice a week.
5th–8th weeks	50 twice a week.
9th–12th weeks	75 twice a week.
13th–16th weeks	100 twice a week.
17th–20th weeks	100 three times a week.
21st–24th weeks	100 four times a week.

b. Uncomplicated tuberculoid and dimorphous leprosy: A similar stepwise dosage schedule as recommended for lepromatous leprosy; however, the maximum dosage should not exceed 200 milligrams weekly in tuberculoid leprosy and 300 milligrams weekly in dimorphous leprosy.

Children: The dosage should be reduced to one-fourth to one-half the adult dosage.

2. Daily regimen: 10 milligrams daily for 6 days a week. The increase in dose should be gradual, and the maximum should be reached in about 4 to 6 months. The total weekly dosage for each regimen should be the same.

SODIUM SULFOXONE

DESCRIPTION

(Descriptive information to be included by manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

Bacteriostatic against *Mycobacterium leprae.*

INDICATIONS

All forms of leprosy.

Dermatitis herpetiformis.

CONTRAINDICATION

Hypersensitivity to sodium sulfoxone and/or its derivatives.

WARNINGS

Severe anemia should be treated prior to initiation of therapy.

If severe anemia develops, the drug should be discontinued and appropriate therapy for the anemia instituted.

At the very first sign of hypersensitivity reaction (including a lepra reaction), sulfone therapy must be discontinued at once and appropriate treatment initiated.

PRECAUTIONS

Periodic hemograms are indicated during the course of therapy with sulfone preparations.

In glucose-6-phosphate-dehydrogenase deficient individuals, the hemolytic effect of sulfone preparations may be exaggerated.

With the appearance of the lepra reaction (for example, erythema nodosum, erythema multiforme, erythema necrotans), treatment with sulfones should be suspended. Suspension should be continued until all signs of reaction subside and for about 1 or 2 weeks thereafter. Sulfone treatment should be resumed with a dose smaller than that used at the time of appearance of reaction, and the increase in dose should be even more gradual. It may not be advisable to increase the dose beyond the level at which the reaction appeared.

A small proportion of cases, especially the lepromatous, may not be able to tolerate even the small doses indicated earlier. In such case, an attempt should be made to build up tolerance, starting with minute doses; otherwise an alternative drug may have to be used.

ADVERSE REACTIONS

Hematologic effects: Dose-related hemolysis is the most common toxic effect, including hemolytic anemia (in patients with or without G–6PD deficiency). Other hematologic effects include: Methemoglobinemia, leucopenia, and agranulocytosis.

Dermatitis is probably one of the most serious complications of sulfone therapy and is directly due to drug sensitization. If dermatitis occurs, there is danger of exfoliative dermatitis developing along with enlargement of the liver and damage to that structure. Exfoliative dermatitis is not infrequently fatal; therefore, at the first sign of this reaction sulfone therapy must be discontinued and appropriate therapy instituted.

Lepra reaction: This reaction may be precipitated by infection or excessive antilepra medication or may appear without apparent cause.

Hepatitis.

Psychosis.

NOTE: Nausea, vomiting, headaches, giddiness, and tachycardia are uncommon if the dosage is gradually increased.

DOSAGE AND ADMINISTRATION

Therapy should be initiated with the lowest dose possible, increasing gradually until an optimal dose is reached.

Leprosy:

Commence—	
1st and 2d weeks	330 milligrams twice a week.
3d and 4th weeks	660 milligrams twice a week.
5th and succeeding weeks.	990 milligrams twice a week; or 330 milligrams per day for 6 days, 1 day rest, and continue.

Dermatitis herpetiformis: Average adult dose is one 330-milligram tablet daily for 1 week. Then increase to 660 milligrams daily if necessary. Maintenance dose: 330 milligrams daily.

SODIUM GLUCOSULFONE

DESCRIPTION

(Descriptive information to be included by manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

Bacteriostatic against *Mycobacterium leprae*.

INDICATION

All forms of leprosy.

CONTRAINDICATION

Hypersensitivity to sodium glucosulfone and/or its derivatives.

WARNINGS

Severe anemia should be treated prior to initiation of therapy.

If severe anemia develops, the drug should be discontinued and appropriate therapy for the anemia instituted.

At the first sign of hypersensitivity reaction (including a lepra reaction), sulfone therapy must be discontinued at once and appropriate treatment initiated.

PRECAUTIONS

Periodic hemograms are indicated during the course of therapy with sulfone preparations.

In glucose-6-phosphate-dehydrogenase deficient individuals, the hemolytic effect of sulfone preparations may be exaggerated.

With the appearance of the lepra reaction (for example, erythema nodosum, erythema multiforme, erythema necrotans), treatment with sulfones should be suspended. Suspension should be continued until all signs of reaction subside and for about 1 or 2 weeks thereafter. Sulfone treatment should be resumed with a dose smaller than that used at the time of appearance of reaction, and the increase in dose should be even more gradual. It may not advisable to increase the dose beyond the level at which the reaction appeared.

A small proportion of cases, especially the lepromatous, may not be able to tolerate even the small doses indicated earlier. In such case, an attempt should be made to build up tolerance, starting with minute doses; otherwise an alternative drug may have to be used.

ADVERSE REACTIONS

Hematologic effects: Dose-related hemolysis is the most common toxic effect, including hemolytic anemia (in patients with or without G-6PD deficiency). Other hematologic effects include: Methemoglobinemia, leucopenia, and agranulocytosis.

Dermatitis is probably one of the most serious complications of sulfone therapy and is directly due to drug sensitization. If dermatitis occurs, there is danger of exfoliative dermatitis developing along with enlargement of the liver and damage to that structure. Exfoliative dermatitis is not infrequently fatal; therefore, at the first sign of this reaction sulfone therapy must be discontinued and appropriate therapy instituted.

Lepra reaction: This reaction may be precipitated by infection or excessive antilepra medication or may appear without apparent cause.

Hepatitis.

Psychosis.

NOTE: Nausea, vomiting, headaches, giddiness, and tachycardia are uncommon if the dosage is gradually increased.

DOSAGE AND ADMINISTRATION

The intravenous form offers no advantage over the oral form and should be reserved for those instances where oral medication is not feasible.

Therapy should be initiated with the lowest dose possible, increasing gradually until an optimal dose is reached.

The usual adult dosage is 1 gram daily for 6 days a week, increasing by stages to a maximum of 5 grams after 4 to 6 weeks, with a rest period of 1 week in every 3.

ACETOSULFONE SODIUM

DESCRIPTION

(Descriptive information to be included by manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

Bacteriostatic against *Mycobacterium leprae*.

INDICATION

All forms of leprosy.

CONTRAINDICATION

Hypersensitivity to acetosulfone sodium and/or its derivatives.

WARNINGS

Severe anemia should be treated prior to initiation of therapy.

If severe anemia develops, the drug should be discontinued and appropriate therapy for the anemia instituted.

At the first sign of hypersensitivity reaction (including a lepra reaction), sulfone therapy must be discontinued at once and appropriate treatment initiated.

PRECAUTIONS

Periodic hemograms are indicated during the course of therapy with sulfone preparations.

In glucose-6-phosphate-dehydrogenase deficient individuals, the hemolytic effect of sulfone preparations may be exaggerated.

With the appearance of the lepra reaction (for example, erythema nodosum, erythema multiforme, erythema necrotans), treatment with sulfones should be suspended. Suspension should be continued until all signs of reaction subside and for about 1 or 2 weeks thereafter. Sulfone treatment should be resumed with a dose smaller than that used at the time of appearance of reaction, and the increase in dose should be even more gradual. It may be advisable to increase the dose beyond the level at which the reaction appeared.

A small proportion of cases, especially the lepromatous, may not be able to tolerate even the small doses indicated earlier. In such case, an attempt should be made to build up tolerance, starting with minute doses; otherwise an alternative drug may have to be used.

ADVERSE REACTIONS

Hematologic effects: Dose-related hemolysis is the most common toxic effect, including hemolytic anemia (in patients with or without G-6PD deficiency). Other hematologic effects include: Methemoglobinemia, leucopenia, and agranulocytosis.

Dermatitis is probably one of the most serious complications of sulfone therapy and is directly due to drug sensitization. If dermatitis occurs, there is danger of exfoliative dermatitis developing along with enlargement of the liver and damage to that structure. Exfoliative dermatitis is not infrequently fatal; therefore, at the first sign of this reaction sulfone therapy must be discontinued and appropriate therapy instituted.

Lepra reaction: This reaction may be precipitated by infection or excessive antilepra medication or may appear without apparent cause.

Hepatitis.

Psychosis.

NOTE: Nausea, vomiting, headaches, giddiness, and tachycardia are uncommon if the dosage is gradually increased.

DOSAGE AND ADMINISTRATION

Therapy should be initiated with the lowest dose possible, increasing gradually until an optimal dose is reached.

Initially 0.5 gram daily and increase every 2 weeks by increments of 0.5 to 1.5 grams until a maximal daily dosage of 3 to 4 grams is reached.

D. *Previously approved applications.*

1. Each holder of a "deemed approved" application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962) for any of these drugs is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting:

a. A supplement containing revised labeling as needed to conform to labeling conditions described herein for the drug.

b. A supplement containing adequate data to assure the biologic availability of the drug in the formulation which is marketed; if such data are already included in the application, specific reference thereto may be made; and

c. A supplement containing updating information as needed to make the application current in regard to items 6 (components) and 7 (composition) of the new-drug application form FD-356H and, to the extent described below for new applications, item 8 (methods, facilities, and controls) of FD-356H.

2. Such supplements should be submitted within the following time periods following the date of publication of this notice in the FEDERAL REGISTER.

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of these drugs may continue until the supplemental applications submitted in accord with the preceding paragraphs 1 and 2 are acted upon provided that within the 60 days the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described in this announcement.

E. *New applications.*

1. Any other person who distributes or intends to distribute one of these drugs which is intended for the conditions of use described in this announcement should submit a new-drug application meeting the conditions specified in this announcement.

2. Such applications should include:

a. Proposed labeling which is in accord with the labeling conditions.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

c. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (Rx or OTC statement), 6 (components), and 7 (composition) of the new-drug application form FD–356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of that form, brief statements that:

i. Identify the place where the drug will be manufactured, processed, packaged, and labeled.

ii. Identify any person other than the applicant who performs a part of those operations and designate the part.

iii. Include certification from the applicant and from any person identified in ii above that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice in accord with Part 133 (21 CFR Part 133).

iv. Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or if not listed, or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.

v. Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.

3. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the publication date of this announcement, a new-drug application to the Food and Drug Administration.

c. The applicant submits additional information that may be required for the approval of the application, as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for these drugs for the conditions of use described herein.

G. *Unapproved use.* Preparations labeled or advertised for use in any conditions other than those provided for in this announcement will be regarded as unapproved new drugs subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

H. *Other form or use of drug.* If an article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication of this notice in the FEDERAL REGISTER.

A copy of the NAS–NRC report on these drugs and the labeling conditions described in this notice have been furnished to the holders of the new-drug applications referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the drugs listed in this announcement or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS–NRC report: Press Relations Office (CE–300).

Supplements: Office of Marketed Drugs (MD–300), Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

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

Dated: February 19, 1969.

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

[F.R. Doc. 69-2287; Filed, Feb. 25, 1969; 8:46 a.m.]

CHLOROTHIAZIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Merck & Co., Rahway, N.J. 07065:

1. Diuril Tablets; 0.25 gram of chlorothiazide per tablet.

2. Diuril Boluses; 2.00 grams of chlorothiazide per bolus.

The Academy concludes that these drugs are effective for congestive heart failure and nephrotic syndrome in dogs, but that more information is needed to support claims for cirrhosis of the liver and other edematous states. The Food and Drug Administration concurs with this evaluation.

The Academy also concludes that these drugs are probably effective for udder edema but probably not effective for other localized edematous states in cattle and that more information is needed. The Food and Drug Administration concludes that these products are effective as an aid in reduction of post parturient udder edema.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for these drugs to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For use in dogs to treat congestive heart failure and nephrotic syndrome. For cattle as an aid in reduction of postparturient udder edema.

DOSAGE AND ADMINISTRATION

Dogs: 5 to 10 milligrams per pound of body weight two or three times daily.

Cattle: 2 grams once or twice daily for 3–4 days.

PRECAUTIONS

Animals should be regularly and carefully observed for early signs of fluid and electrolyte imbalance, and appropriate measures should be taken to prevent or correct such imbalance if it occurs. In some dogs, hypochloremic alkalosis may occur (that is, excretion of chloride in relation to sodium is excessive; the plasma bicarbonate level increases and alkalosis results).

CAUTION: Federal law restricts this drug to sale by or on the order of a licensed veterinarian. Keep out of the reach of children.

WARNING: Milk taken from dairy animals during treatment and for 3 days after latest treatment must not be used for food.

This evaluation of these drugs is concerned only with their effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented

above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug applications for the drugs listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to those drugs or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

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

Dated: February 19, 1969.

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

[F.R. Doc. 69-2288; Filed, Feb. 25, 1969; 8:46 a.m.]

NEOMYCIN SULFATE WITH VITAMINS A AND D FOR OPHTHALMIC USE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Neomycaine Ointment; each gram contains 5 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base) in a cod liver oil base; marketed by EVSCO Pharmaceutical Co., Oceanside, Long Island, N.Y. 11101.

The Academy concludes that (1) this product is probably effective for the treatment of superficial eye infections; (2) the dosage schedule needs revision; (3) there is no documentation on the efficacy of A and D vitamins contained in this preparation; (4) references to the specific effect of the drug on bacteria in animal eyes are needed; and (5) more adequate documentation and dosages are needed. The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

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

Dated: February 19, 1969.

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

[F.R. Doc. 69-2289; Filed, Feb. 25, 1969; 8:46 a.m.]

TETRACYCLINE HYDROCHLORIDE POWDER WITH BENZOCAINE FOR TOPICAL USE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Polyotic Powder; each gram contains 20 milligrams of tetracycline hydrochloride and 10 milligrams of benzocaine; marketed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

The Academy concludes that (1) this product is probably not effective for ocular use in the treatment of infectious keratitis of cattle and is probably effective for the treatment of local skin infections; (2) documentation supporting effectiveness in pink-eye or infectious keratitis is lacking; (3) powders should not be used in eyes; (4) the literature cited does not appear to relate to use of antibiotics (particularly in powder form) for pyodermas; (5) supporting evidence for claims regarding benzocaine is needed; and (6) benzocaine in combination with other drugs in eye formulations for continued use is considered of questionable efficacy. The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of antibiotic drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved antibiotic drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the antibiotic drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the antibiotic drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2290; Filed, Feb. 25, 1969; 8:46 a.m.]

FMC CORP.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8),

FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, has withdrawn its petition (PP 9F0738) proposing: (1) The establishment of tolerances for residues of the insecticide carbofuran (2,3-dihydro - 2,2-dimethyl-7-benzofuranyl methylcarbamate) in or on the raw agricultural commodities alfalfa at 5 parts per million and alfalfa hay at 20 parts per million and (2) a tolerance of 0.02 part per million for residues of its cholinesterase-inhibiting metabolite (2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl methylcarbamate) in milk.

Dated: February 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2291; Filed, Feb. 25, 1969; 8:46 a.m.]

INSECTICIDE MIXTURE

Notice of Extension of Temporary Tolerance

A temporary tolerance of 0.2 part per million was established for residues of an insecticide that is a mixture of 3,4,5-trimethylphenyl methylcarbamate and 2,3,5,-trimethylphenyl methylcarbamate in or on corn grain, fodder, and forage at the request of the Shell Chemical Co., Division of Shell Oil Co., New York, N.Y. 10020 (notice was published in the FEDERAL REGISTER of October 20, 1967 (32 F.R. 14609)). This temporary tolerance expired October 13, 1968, and the company has requested its extension to permit additional tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that extension of this temporary tolerance will protect the public health; therefore, an extension has been granted that will expire February 19, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 19, 1969.

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

[F.R. Doc. 69-2292; Filed, Feb. 25, 1969; 8:46 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Amended Filing of Petition Regarding Pesticide Chemicals

Notice was given in the FEDERAL REGISTER of June 18, 1968 (33 F.R. 8857), that a petition (PP 8F0725) had been filed by the Velsicol Chemical Corp., Chicago, Ill. 60611, proposing the establishment of tolerances of 40 parts per million for residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on certain raw agricultural commodities.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)) and § 120.9 of the pesticide procedural regulations (21 CFR 120.9), notice is given that said petition has been amended so that it proposes the establishment of tolerances for residues of dicamba and its metabolite in or on the raw agricultural commodities pasture grasses, rangeland grasses, and grass hay at 40 parts per million, and in milk at 0.05 part per million.

Dated: February 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2293; Filed, Feb. 25, 1969; 8:46 a.m.]

Office of the Secretary

ADMINISTRATOR OF VETERANS AFFAIRS

Delegation of Compliance Responsibilities

Notice is hereby given that a certain delegation of Title VI (Civil Rights Act of 1964) compliance responsibilities has been agreed to by the Department of Health, Education, and Welfare and the Veterans Administration.

This delegation is contained in the letter of January 9, 1969, from the Secretary of Health, Education, and Welfare to the Administrator of Veterans Affairs, a copy of which is set forth below.

Dated: February 17, 1969.

[SEAL] BERNARD SISCO,
Acting Assistant Secretary for Administration.

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

JANUARY 9, 1969.

DEAR MR. DRIVER: Pursuant to the authority of 45 CFR 80.12(c), I hereby assign to you the responsibilities listed below of the Department of Health, Education, and Welfare and of the responsible HEW official under Title VI of the Civil Rights Act of 1964 and the Department's regulation issued thereunder (45 CFR Part 80) with respect to:

A. Proprietary (i.e. other than public or nonprofit) educational institutions, except if operated by a hospital; and

B. Post secondary, nonprofit, educational institutions other than colleges and universities,[1] except if operated by:

(1) A college or university;
(2) A hospital; or
(3) A unit of State or local government (i.e. those operating such institutions as an elementary or secondary school, an area vocational school, a school for the handicapped, etc.).

The responsibilities assigned are:

1. Soliciting, receiving, and determining the adequacy of assurances of compliance under 45 CFR 80.4.

2. All actions under 45 CFR 80.6 including mailing, receiving, and evaluating compliance reports under § 80.6(b).

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The Department specifically reserves to itself the responsibilities for the effectuation of compliance under 45 CFR sections 80.8, 80.9, and 80.10.

The responsibilities so designated to you are to be exercised in accordance with the coordinated enforcement procedures developed by the Department of Justice, and may be redelegated by you to other officials of your Agency. The Department also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Agency.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely,

WILBUR J. COHEN,
Secretary.

Honorable WILLIAM J. DRIVER,
Administrator of Veterans Affairs,
Veterans Administration,
Washington, D.C.

Accepted—Date: January 16, 1969.

By: W. J. DRIVER,
Administrator of Veterans Affairs.

[F.R. Doc. 69-2309; Filed, Feb. 25, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-11]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment,

[1] "College or university" means an educational institution which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's or higher degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner of Education for this purpose, or if not so accredited, (a) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (b) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from August 2, 1968, to September 18, 1968 (List No. 30–68). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code and section 198 in title 50, United States Code while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard to take appropriate actions with respect to approvals are set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the dates issued unless sooner canceled or suspended by proper authority.

WINCHES, LIFEBOAT

Approval No. 160.015/65/0, Type GW, size 40 lifeboat winch, approval limited to mechanical components only, for a maximum working load of 6,000 pounds pull at the drums (3,000 pounds per fall), identified by general arrangement dwg. No. 1500–1 dated December 31, 1952, and revised March 31, 1953, manufactured by C. C. Galbraith & Son, Inc., Manchester Avenue and Maple Place, Post Office Box 185, Keyport, N.J. 07735, effective September 12, 1968. (It is an extension of Approval No. 160.015/65/0 dated Oct. 4, 1963.)

LIFEBOATS

Approval No. 160.035/314/2, 22.0′ x 7.5′ x 3.17′ steel, motor-propelled lifeboat, Class 1, 28-person capacity, identified by general arrangement dwg. No. G–2228M, revised July 22, 1968, manufactured by C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective August 2, 1968. (It supersedes Approval No. 160.035/314/2 dated May 19, 1964 to show change in address and construction.)

Approval No. 160.035/382/1, 26.0′ x 9.0′ x 3.83′ aluminum, hand-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26–10D, Revision D, dated November 7, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective September 13, 1968. (It reinstates and supersedes Approval No. 160.035/382/0 terminated July 3, 1968, to show change in address and construction.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

Approval No. 160.055/85/0, Type IA, Model 62, adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IA (sheets 1 and 2), approved for use on all vessels and motorboats, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16501, effective September 18, 1968.

Approval No. 160.055/86/0, Type IA, Model 66, child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IA (sheets 1 and 2), approved for use on all vessels and motorboats, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16501, effective September 18, 1968.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/37/4, sound-powered telephone station, selective ringing, common talking, drip-proof, bulkhead mounting, dwg. No. 70–525, Alt. 10 dated August 21, 1958, types 2, 8, 17, 2–0, 8–0, 17–0, 2–3, 8–3, 17–3, 2–6, 8–6, 17–6, 2–8, 8–8, 17–8, 2–R, 8–R, and 17–R, for use in locations not exposed to the weather, stations type 2–0, 8–0, 17–0, without bell; type 2–R, 8–R, and 17–R, without bell, with relay, shall be supplemented by a separately mounted magneto-operated bell, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective September 17, 1968. (It is an extension of Approval No. 161.-005/37/4 dated Dec. 11, 1963.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/193/0, Style HNP–MS–25 drum pilot safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 650° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/193/0 dated Nov. 8, 1963.)

Approval No. 162.001/195/0, Style HNP–MS–35 drum pilot safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/195/0 dated Nov. 8, 1963.)

Approval No. 162.001/196/0, Style HNP–MS–26 drum pilot safety valve, carbon steel body, maximum pressure of 600 p.s.i, maximum temperature 750° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/196/0 dated Nov. 8, 1963.)

Approval No. 162.001/197/0, Style HNP–MS–36–6 drum pilot safety valve, carbon steel body, maximum pressure of 850 p.s.i., maximum temperature 750° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/197/0 dated Nov. 8, 1963.)

Approval No. 162.001/198/0, Style HNP–MS–36 drum pilot safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 750° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/198/0 dated Nov. 8, 1963.)

Approval No. 162.001/199/0, Style HNP–MS–27 drum pilot safety valve, alloy steel body, maximum pressure of 600 p.s.i., maximum temperature 900° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/199/0 dated Nov. 8, 1963.)

Approval No. 162.001/200/0, Style HNP–MS–37–6 drum pilot safety valve, alloy steel body, maximum pressure of 700 p.s.i., maximum temperature 900° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/200/0 dated Nov. 8, 1963.)

Approval No. 162.001/201/0, Style HNP–MS–37 drum pilot safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 900° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/201/0 dated Nov. 8, 1963.)

Approval No. 162.001/202/0, Style HNP–MS–28 drum pilot safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½″, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/202/0 dated Nov. 8, 1963.)

Approval No. 162.001/203/0, Style HNP–MS–38–6 drum pilot safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D–40015–2, issued August 14,

1958, approved for size 1½", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/203/0 dated Nov. 8, 1963.)

Approval No. 162.001/204/0, Style HNP-MS-38 drum pilot safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 1,000° F., dwg. No. D-40015-2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve & Gage Co., Wrentham Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/204/0 dated Nov. 8, 1963.)

Approval No. 162.001/205/0, Style HNB-MS-25 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 650° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/205/0 dated Nov. 8, 1963.)

Approval No. 162.001/206/0, Style HNB-MS-35-6 drum pilot actuated.

Approval No. 162.001/206/0, Style HNB-MS-35-6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F. dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/206/0 dated Nov. 8, 1963.)

Approval No. 162.001/207/0, Style HNB-MC-35 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/207/0 dated Nov. 8, 1963.)

Approval No. 162.001/208/0, Style HNB-MS-26 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 750° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/208/0 dated Nov. 8, 1963.)

Approval No. 162.001/209/0, Style HNB-MS-36-6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 850 p.s.i., maximum temperature 750° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/209/0 dated Nov. 8, 1963.)

Approval No. 162.001/210/0, Style HNB-MS-36 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 750° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/211/0, dated Nov. 8, 1963.)

Approval No. 162.001/211/0, Style HNB-MS-27 drum pilot actuated safety valve, alloy steel body, maximum pressure of 600 p.s.i., maximum temperature 900° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/211/0 dated Nov. 8, 1963.)

Approval No. 162.001/212/0, Style HNB-MS-37-6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 700 p.s.i., maximum temperature 900° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/212/0 dated Nov. 8, 1963.)

Approval No. 162.001/213/0, Style HNB-MS-37 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 900° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/213/0 dated Nov. 8, 1963.)

Approval No. 162.001/214/0, Style HNB-MS-28 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1000° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/214/0 dated Nov. 8, 1963.)

Approval No. 162.001/215/0, Style HNB-MS-38-6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/215/0 dated Nov. 8, 1963.)

Approval No. 162.001/216/0, Style HNB-MS-38 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 1,000° F., dwg. No. D-39897-2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective September 17, 1968. (It is an extension of Approval No. 162.001/216/0 dated Nov. 8, 1963.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/31/0, Series W-300 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 300 p.s.i., maximum allowable pressure; maximum set pressure 250 p.s.i.g., dwg. No. A-1034-S dated February 1, 1948, and National Board of Boiler and Pressure Vessel Inspectors' Report with attached chart "Capacity—Air—Lonergan V and W series Nozzle Valves" dated February 27, 1953, approved for the following model numbers and corresponding inlet and orifice sizes:

Models Nos.	W-301	W-302	W-303	W-304	W-305	W-306	W-307	W-308	W-309
Inlet sizes	1½"	1½"	2"	2½"	3"	4"	4"	4"	6"
Orifice sizes	F	G	H	J	K	L	N	P	Q

Manufactured by J. E. Lonergan Co., Red Lion Road west of Verree Road, Post Office Box 6167, Philadelphia, Pa. 19115, effective September 12, 1968. (It is an extension of Approval No. 162.018/31/0 dated Oct. 4, 1963 and change of address of manufacturer.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/116/0, "J-M Foil Faced Marine Spin-Glas Duct Insulation", aluminum faced fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG-10210-2168: FR 3705, dated September 11, 1968, and Johns-Manville Sales Corp. letters, dated July 9, 1968, and July 15, 1968, approved in a density of 3 pounds per cubic feet, plant Richmond, Ind., manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective September 16, 1968.

Dated: February 19, 1969.

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

[F.R. Doc. 69-2324; Filed, Feb. 25, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

SPECIAL NUCLEAR AND OTHER MATERIALS

Increase in Use Charges

1. The U.S. Atomic Energy Commission hereby gives notice of an increase in its use charge for special nuclear and other materials, effective April 1, 1969.

2. This notice amends a notice entitled "Uranium Hexafluoride, Base Charges, Special Charges, Table of Enriching Services, Specification and Packaging" as published in the FEDERAL REGISTER on November 29, 1967 (32 F.R. 16289) by deleting paragraph 4 of said notice and substituting in lieu thereof the following:

4. Use Charges for Material: The use charge rate for special nuclear material and other materials leased by AEC is six and one-half percent (6½%) per annum of the base charge or value established by the Commission for such materials.

3. This notice amends a notice entitled "Plutonium and Uranium Enriched in U^{235}" published in the FEDERAL REGISTER on May 29, 1963 (28 F.R. 5314) and as

amended in 32 F.R. 16289 of November 29, 1967, by deleting paragraph 4 of said notice and substituting in lieu thereof the following:

4. Use Charges. The use charge rate for plutonium and uranium enriched in U^{233}, when leased by the AEC is six and one-half percent (6½%) per annum of the base charge.

Effective date: This notice shall become effective as of April 1, 1969.

Dated at Germantown, Md., this 24th day of February 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69-2384; Filed, Feb. 25, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20635]

AEROLINEAS PERUANAS, S.A.

Notice of Prehearing Conference

Application of Aerolineas Peruanas, S.A. for renewal of its foreign air carrier permit.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 5, 1969, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Louis W. Sornson.

Dated at Washington, D.C., February 19, 1969.

[SEAL] Thomas L. Wrenn,
Chief Examiner.

[F.R. Doc. 69-2330; Filed, Feb. 25, 1969; 8:49 a.m.]

[Docket No. 18579]

DALLAS/FORT WORTH-PHOENIX NONSTOP SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 19, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., February 19, 1969.

[SEAL] Thomas L. Wrenn,
Chief Examiner.

[F.R. Doc. 69-2331; Filed, Feb. 25, 1969; 8:49 a.m.]

[Docket No. 19692, etc.]

MILWAUKEE SHORT-HAUL INVESTIGATION

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 18, 1969, at 10 a.m., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on November 14, 1968, and other documents which are in the docket of this proceeding on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 20, 1969.

[SEAL] Herbert K. Bryan,
Hearing Examiner.

[F.R. Doc. 69-2332; Filed, Feb. 25, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18238, 18239; FCC 69R-90]

BEXAR BROADCASTING CO., INC., AND TURNER BROADCASTING CORP. (KBUC-FM)

Memorandum Opinion and Order Enlarging Issues

In re applications of Bexar Broadcasting Co., Inc., San Antonio, Tex., Docket No. 18238, File No. BPH-6245; Turner Broadcasting Corp. (KBUC-FM), San Antonio, Tex., Docket No. 18239, File No. BPH-6285; for construction permits.

1. This proceeding involves the application of Bexar Broadcasting Co., Inc. (Bexar), for a new FM broadcast station to operate on Channel 298 in San Antonio, Tex., and the mutually exclusive application of Turner Broadcasting Corp. (Turner) to change its existing FM facilities from Channel 292 in Terrell Hills, Tex., to Channel 298 in San Antonio. The applications were designated for hearing by Commission Order, FCC 68-695, released July 11, 1968.[1] Presently before the Review Board is a motion to enlarge issues, filed January 2, 1969, by Turner, which seeks the addition of site availability, misrepresentation and Rule 1.65 issues against Bexar.[2]

2. The instant petition to enlarge issues comes more than 5 months after these applications were designated for hearing. Turner submits that prior to November 1968, when one of its principals heard "rumors" that Bexar's proposed site might not be available, there was no indication that the issues requested herein would be required; however, the instant petition was filed as soon as the newly discovered information could be verified. The Board does not regard this explanation as adequate to establish good cause for the delay;[3] therefore, under the standards set forth in The Edgefield-Saluda Radio Co.,[4] the Board has examined the pleadings to determine whether (a) serious public interest questions are presented, and (b) the likelihood of proving the respective allegations is so substantial as to outweigh the public interest benefits inherent in the orderly and fair administration of the Commission's business. Based upon this examination, the Board finds that, except for the matter discussed in paragraph 4, infra, the allegations of the instant petition fail to meet the requisite standards.[5]

3. In support of its request for a "misrepresentation" issue, Turner points out that Bexar's original application contains an unqualified representation that "arrangements have been made" to secure space atop the Tower Life Building in San Antonio for its antenna, and contends that this representation is suspect. The contention is supported by a letter from the lessee of the location, Station KEEZ-FM, San Antonio, who states among other things, that "* * * it would be a mistake to accept a sublease from another FM broadcast station. * * *"[6] Petitioner questions whether any arrangement ever existed for use of the KEEZ tower and whether Bexar knowingly misrepresented the availability of the location. The requested 1.65 issue is predicated on the fact that Bexar is now attempting to change its site location. Petitioner argues that Bexar has not kept the Commission up to date regarding developments relating to its transmitter site. In opposition, Bexar submits a letter from the lessee, dated Jan. 13, 1969, which recounts the negotiation between Bexar and Station KEEZ-FM for use of the latter's antenna location. Contrary to

[1] A third application, that of AVCO Broadcasting Corp., was consolidated in this proceeding, but was subsequently dismissed with prejudice by order of the Hearing Examiner (FCC 68M-1183, released Aug. 16, 1968).

[2] Also under Board consideration are: (a) Response to motion, filed Jan. 27, 1969, by the Broadcast Bureau; (b) opposition, filed Jan. 27, 1969, by Bexar; and (c) reply, filed Feb. 5, 1969, by Turner. On Feb. 14, 1969, Bexar filed a request for leave to file additional pleading and further comments. No satisfactory showing of "good cause" for the additional filing is offered therein, and the request will therefore be denied.

[3] No reasonable explanation is offered for the delay of approximately 8 weeks which petitioner suggests was spent "verifying" the new information. While the Broadcast Bureau finds the petition procedurally defective, it nonetheless supports the addition of the requested issues.

[4] 5 FCC 2d 148, 4 RR 2d 611 (1966).

[5] Bexar, in its opposition, states that on Jan. 27, 1969, a petition for leave to amend its application was filed with the Examiner, wherein a new antenna site is specified. In light of this filing, the instant request for a "site availability" issue will be dismissed without prejudice to its resubmission subsequent to the Examiner's disposition of the petition for leave to amend. See WRBN, Inc., 10 FCC 2d 488, 11 RR 2d 427 (1967) and cases cited therein.

[6] The letter from Station KEEZ-FM, dated Dec. 20, 1968, states that due to previous engineering difficulties which arose from the operation of another FM station at the site, further subleasing would be unacceptable.

petitioner's arguments,[7] this letter clearly indicates that the site specified in Bexar's application was available at the time its application was filed. The mere fact that the antenna engineering would have to be "worked out to satisfy everyone", does not preclude a finding that the applicant had reasonable assurance that the site would be available. A "misrepresentation" issue is therefore unwarranted.

4. While it appears to have been Bexar's original design to locate its antenna at the KEEZ site, Bexar now seeks to amend its application to specify a new antenna location. Attached to Bexar's opposition is a letter from the owner of the new site which states the availability of the location and the rent requirement. The letter is dated November 19, 1968. It is therefore reasonable to assume that Bexar had resolved to move its antenna site sometime prior to this correspondence.[8] However, as pointed out by the petitioner in its reply pleading, the Commission was not notified of either the unavailability of its original site or of the selection of a new site until Bexar's opposition and petition for leave to amend were filed on January 27, 1969. The circumstances surrounding Bexar's apparent failure to promptly notify the Commission of these developments, pursuant to the provisions of Rule 1.65, require inquiry, and an appropriate issue will be specified.

5. *Accordingly, it is ordered*, That the request to file additional pleading, filed February 14, 1969, by Bexar Broadcasting Co., Inc., is denied; that the further comments contained therein are dismissed; that the motion to enlarge issues, filed January 2, 1969, by Turner Broadcasting Corp. is granted to the extent indicated below, and is denied in all other respects; and

6. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine, with respect to the application of Bexar Broadcasting Co., Inc., whether this applicant has continued to keep the Commission advised of "substantial and significant changes" in its application as required by § 1.65 of the Commission's Rules.

To determine, with respect to the evidence adduced pursuant to the foregoing issue, whether Bexar Broadcasting Co., Inc., possesses the requisite and/or comparative qualifications to be a Commission licensee.

7. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof will be on Bexar Broadcasting Co., Inc.

Adopted: February 19, 1969.

Released: February 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2311; Filed, Feb. 25, 1969; 8:48 a.m.]

[Dockets Nos. 18349-18353; FCC 69R-87]

RALPH J. SILKWOOD ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Ralph J. Silkwood and K. C. Laurance (transferors), Docket No. 18349, File No. BTC-4244; and W. H. Hansen (transferee) for Transfer of Control of Medford Broadcasters, Inc. Licensee of Station KDOV Medford, Oreg. et al. Dockets Nos. 18350, 18351, 18352, 18353.

1. The above captioned applications were designated for hearing by order, FCC 68-1013, released October 17, 1968. In the designation order the Commission, inter alia, directed that the mutually exclusive applications of W. H. Hansen (Hansen) and Radio Medford, Inc. (Radio Medford), for authorization to construct a new FM broadcast station be brought up to date by amendments. The parties were given the right to petition to enlarge issues after such amendments were filed. On December 2, 1968, an amendment was filed by Hansen. Presently before the Board is a petition to enlarge issues, filed December 17, 1968, by Medford,[1] which seeks the addition of issues as to Hansen regarding real party in interest, financial qualifications and its ability to effectuate its proposal. The issues will be treated seriatim.

REAL PARTY IN INTEREST ISSUE

2. In support of its request for a real party in interest issue, Radio Medford alleges that Hansen will supply none of the funds to finance the construction and operation of the proposed station. With the exception of a deferred credit arrangement with an equipment supplier, all of the funds are to be provided by a Mrs. Jean Robnett of Alturas, Calif. Citing WLOX Broadcasting Company v. FCC, 260 F. 2d 712 (1958), Heitmeyer v. FCC, 95 F. 2d 91 (1937), Publix Television Corp., FCC 59-643, 18 RR 762 (1959), and Massillon Broadcasting Co., Inc., FCC 61-1164, 22 RR 218 (1961), Radio Medford submits that these circumstances, i.e., where an individual allegedly not a principal is relied upon to supply all or substantially all the funds for proposed facilities, are sufficient to raise a substantial question as to real party in interest.

3. In opposition Hansen alleges that the authorities cited by Radio Medford indicate that only when the circumstance of heavy reliance on a financier, taken into consideration with other facts, indicates the probability that the financier will exercise a controlling influence on the operations of a station, will a real party in interest issue be raised. Hansen contends that the prospect that Mrs. Robnett, who is over 80 years of age, may gain legal control is speculative, implying that Radio Medford has supplied no showing except for the fact that Mrs. Robnett is supplying substantially all necessary funds and that this fact alone is insufficient to raise the instant issue. With his opposition, Hansen submits his affidavit and an affidavit from Mrs. Robnett. Both aver that the proposed loan is based entirely on friendship, and that Mrs. Robnett will have no ownership interest in or control over the proposed station.

4. The request for the addition of a real party in interest issue will be denied. In the December 2, 1968, amendment to its application, Hansen filed a letter from Mrs. Robnett in which the terms of the loan are clearly and definitely set forth.[2] Petitioner has not shown any reason for the Board to conclude that the loan is based on other than a normal creditor-debtor relationship between friends. In essence, Radio Medford's allegation is that the loan prompted by friendship between Hansen and Mrs. Robnett is presumptive of evidence of control on Mrs. Robnett's part. This conclusion would result in unwarranted extension of the holdings cited by the petitioner. In those cases, the relationship between the lender and the debtor-applicant and/or the terms and conditions of the loan, itself, raised questions as to whether the lender could exert control over the proposed station. Where, as here, however, the relationship is described; the terms and conditions of the loan are fully set forth and do not create a potential for control; and the parties to the loan unequivocally deny, in sworn statements, the existence or potential for control, a real party in interest issue is unwarranted. Cf. Spanish International Television Co., Inc., FCC 65-318, 5 RR 2d 3; Michael S. Rice, FCC 67R-315, 10 RR 2d 965; and Flathead Valley Broadcasters (KOFI), FCC 65R-164, 5 RR 2d 74. Accordingly, the issue will be denied.

FINANCIAL ISSUE

5. Radio Medford submits that the question of control by Mrs. Robnett is germane to the consideration of Hansen's

[7] In reply, Turner argues that, (a) the KEEZ letter merely authorized Bexar to specify the antenna site in its application but "carefully avoids a statement that the site could be used," and (b) that "it appears probable that Bexar knew the site would not be available when it filed its application" because of the technical difficulty encountered by a former FM station on the tower. These arguments are unpersuasive and fail to detract from the statement made by the lessee in the Jan. 13, 1968 letter: "As far as I am concerned, you (Bexar) were meeting the requirements of a verbal agreement for a tower location: you asked if it were available, I said yes and gave the price."

[8] Although the Jan. 13, 1969, letter from the lessee of Bexar's original site indicates that Bexar's president and engineering consultant were advised that a sublease at that site would not be possible, there is no indication of the date of this notification.

[9] Board Member Nelson concurring in part and voting to limit the 1.65 issue to comparative consideration.

[1] Other related pleadings before the Board for consideration are: (a) Broadcast Bureau's comments, filed Jan. 13, 1969; (b) opposition, filed Jan. 13, 1969, by Hansen; and (c) reply, filed Jan. 23, 1969, by Medford.

[2] The unsecured loan, made for 10 years, is repayable in equal annual installments at 6 percent interest. No payment on the principal is required during the first year of operation.

financial qualifications and cites authority for the proposition that real party in interest issues also touch upon the issue of such qualifications. The petitioner also alleges that Mr. Hansen is at least the primary force in the affairs of Station KDOV, Medford, Oreg., which apparently has been silent since September 16, 1966 because of a "complex of management and financial difficulties".[3] In view of the fact that Hansen is relying in major respects upon the KDOV facility and operation in connection with his proposed FM station,[4] Radio Medford alleges that Hansen must also demonstrate his financial capacity to restore KDOV to the air in order to demonstrate its financial qualifications in the instant case.

6. In opposition, Hansen submits that the fact that it proposes to borrow all necessary funds, standing in isolation, is not sufficient to raise a financial qualifications issue. In response to Radio Medford's allegation that KDOV's financial posture bears on Hansen's financial competence with respect to the proposed FM facility, Hansen submits that the allegation is without merit and that the financial difficulties are the direct result of Commission delays in acting on the pending applications affecting the status of the KDOV license. Moreover, Hansen argues that its reliance on KDOV is justified because KDOV is an existing station with all necessary facilities to put it into operation, and, but for the Commission's delay, a successful operation. Hansen also alleges that the loan from Mrs. Robnett is more than sufficient to operate and construct the FM station and, therefore, any excess in monies may be utilized for bolstering the KDOV operation.

7. Sufficient question has been raised by Radio Medford to warrant the addition of a financial qualifications issue. Hansen's dependence upon the operation and facilities of KDOV, which is conceded in the opposition, raises a substantial question as to what additional operating and construction costs would be required if the now defunct KDOV facility were not to become operative. Cf. Heart of Georgia Broadcasting Company, Inc., FCC 69R-9, 15 FCC 2d 905, released January 10, 1969.[5] Moreover, no balance sheet for Mrs. Robnett has been submitted. Rather, her letter submitted with the December 2, 1968 amendment merely states that she has the available funds deposited in four banks and that her current expenses do not exceed $600 per month. This statement is not sufficient to establish Mrs. Robnett's ability to make the loan. Cf. Almardon Incorporated of Florida, FCC 69R-63, _____ FCC 2d _____, released February 6, 1969. The requested issue will be added.

EFFECTUATION ISSUE

8. Radio Medford alleges that Hansen's "ambitious program plans" cannot be effectuated by a staff of four people.[6] Moreover, Radio Medford argues, Hansen's proposal to duplicate KDOV programs and use KDOV's buildings and facilities is uncertain considering KDOV's now defunct status.

9. In opposition, Hansen submits that it proposes to utilize the combined staffs of KDOV and its proposed facility. Moreover, Hansen argues, its duplication of nonmusic programing will greatly reduce the work load required of the FM staff. Finally, Hansen states that all "uncertainties" as to the resumption of operation of KDOV will be resolved by the "prosecution and termination" of this proceeding.

10. The Hansen application is clearly dependent upon the continued operation of Station KDOV because of its reliance upon the combined staffs, facilities, and duplication of programing. We cannot accept Hansen's contention that a termination of this proceeding will necessarily resolve the questions regarding effectuation since there is no assurance that the transfer application will be granted. In view of the uncertainty of KDOV's continued or renewed operation and its future status as a station licensee, an effectuation issue is warranted.

11. *Accordingly, it is ordered*, That the petition to enlarge issues, filed December 17, 1968, by Radio Medford, Inc., is granted to the extent indicated below and is denied in all other respects and that issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine whether W. H. Hansen is financially qualified to construct, own and operate his proposed FM facility at Medford, Oreg.

(2) To determine, in light of his proposals as to staff and his reliance upon programing, and facilities of Radio Station KDOV, Medford, Oreg., whether W. H. Hansen can effectuate his FM proposals.

12. *It is further ordered*, That the burden of proceeding and proof on the issues added herein shall be upon W. H. Hansen.

Adopted: February 18, 1969.

Released: February 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[7]

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

[F.R. Doc. 69-2312; Filed, Feb. 25, 1969; 8:48 a.m.]

[3] According to the notification to the Commission from KDOV's attorney. An application to transfer control of KDOV to Hansen was consolidated for hearing in this proceeding.

[4] Hansen, Radio Medford alleges, is apparently relying on KDOV for studio facilities, housing for the FM transmitter, duplication of KDOV programing for approximately 3 hours a day and is proposing to side-mount its FM antenna on the existing KDOV tower.

[5] Hansen indicated in its opposition that any excess funds from its proposed facilities would be used to bolster the KDOV operation. No estimates for the revitalization of KDOV were presented. Consequently, the Board has no reason to believe that KDOV can be made operative from presently existing resources.

[6] Petitioner points out that Hansen proposes to operate his FM station for 126 hours per week, and that extensive local, live programing is proposed.

[7] Board member Berkemeyer absent.

[Dockets Nos. 18291-18293; FCC 69R-91]

SUNBURY BROADCASTING CORP. (WKOK) ET AL.

Memorandum Opinion and Order Amending Issues [1]

In re applications of Sunbury Broadcasting Corp. (WKOK), Sunbury, Pa., Docket No. 18291, File No. BP-16936; Herbert P. Michels, Stirling, N.J., Docket No. 18292, File No. BP-17004; Kel Broadcasting Co., Inc., Watchung, N.J., Docket No. 18293, File No. BP-17405; for construction permits.

1. This proceeding involves the mutually exclusive applications of Herbert P. Michels (Michels) and Kel Broadcasting Co., Inc. (Kel), seeking construction permits for new standard broadcast stations at Stirling and Watchung, N.J., respectively; and the application of Sunbury Broadcasting Corp. (WKOK) (Sunbury), licensee of standard broadcast Station WKOK, Sunbury, Pa., to modify its existing broadcast facility.[2] By memorandum opinion and order, FCC 68-835, released August 22, 1968, the Commission designated these applications for consolidated hearing on air hazard, transmitter site, Suburban and financial issues against Kel; financial and Suburban issues against Michels; and areas and populations, section 307(b) and contingent comparative issues. Presently before the Review Board are: (a) A petition to enlarge issues, filed September 11, 1968, by Sunbury, requesting the addition of suburban community and principal city coverage issues against Kel; (b) a joint petition for approval of agreement, filed September 25, 1968, by Kel and Michels, contemplating a merger of their respective interests; (c) a joint petition for leave to amend, filed October 22, 1968, by Kel and Michels, requesting the substitution of the application of K & M Broadcasters, Inc. for Michels' application and the dismissal of Kel's application;[3] and (d) a request for severance and grant, filed October 31, 1968, by Sunbury, requesting a severance and grant of its application simultaneously with any Board action resulting in the dismissal of the mutually-exclusive Kel application.[4]

2. The agreement contemplates a merger of the interests of Kel and Michels into a new corporate applicant, K

[1] This revised document is being prepared in response to a letter request for clarification, dated Feb. 6, 1969, by counsel for K & M Broadcasters, Inc.

[2] Sunbury presently operates on 1070 kHz, 1 kw, 10 kw-LS, DA-2, U and requests 1070 kHz, 1 kw, 10 kw-LS, DA-N, U. The Sunbury application and the Kel application (1070 kHz, 500 watts, DA-D) are mutually exclusive; there is no conflict between the Sunbury application and the Michels application (1070 kHz, 250 watts, Day).

[3] The joint petition for leave to amend was certified to the Board by the Examiner. Order, FCC 68M-1449, released Oct. 25, 1968.

[4] On Oct. 31, 1968, the Broadcast Bureau filed a request for extension of time which, with the passage of time, has become moot. The other pleadings presently before the Board are listed in the appendix filed as part of the original document.

& M Broadcasters, Inc. (K & M),[5] which would be substituted for the Michels application. The agreement provides that Michels will purchase 50 percent of the shares of the new corporation and Kel Broadcasting Co., Inc., will purchase the remaining 50 percent interest; each will pay $5,000 for their stock interest. In addition, Kel has agreed to lend K & M up to $75,000 for use in constructing and operating the proposed station. The loan will be secured by a pledge of Michels' 50 percent of the corporate stock; will be payable in equal annual installments of principal and interest over a 7-year period (the first of said payments to be made 1 year after the station commences operation); and will bear an interest of 6 percent per annum on the unpaid declining balance. The agreement indicates that the corporate bylaws will provide that both Kel and Michels will be authorized to elect one-half of the Board of Directors of the new corporation.

3. The Broadcast Bureau argues that the instant petition and agreement present "a myriad of problems and contradictions" and should be summarily dismissed with prejudice. The Bureau submits that the applicants have failed to provide for the dismissal of the Kel application (which must be effectuated before Kel could prosecute the new application as a 50 percent owner);[6] that the agreement does not specify the existence or duration of any rights which may be exercised in the stock pledged as security for Kel's loan;[7] and that no showing has been made as to Kel's ability to effectuate this loan. The Bureau further contends that the agreement does not provide for the purchase of stock in the new corporation until after a construction permit is granted; and that, therefore, the new corporate applicant "would be without principals to whose qualifications the Commission could look."[8] Finally, the Bureau argues that publication should be required pursuant to Rule 1.525(b) inasmuch as both applicants propose a first local transmission facility; Kel's proposal would provide service to approximately 40 percent more area than would Michels'; and that since the petitioners have submitted no information regarding the existence of other services in the affected area, no public interest determination can be made.

4. The joint petition and attached affidavits set forth the exact nature of the consideration involved,[9] and details of the initiation and history of the negotiations. Aside from section 307(b) considerations, approval of the agreement would be in the public interest in that it would simplify this proceeding by eliminating various issues, thereby expediting the inauguration of service, and mooting a pending request for additional issues.[10] With respect to the section 307(b) question, petitioner's engineering affidavit discloses that although the Michels and Kel proposals would serve the same general area, the Kel proposal would provide service to a larger population in a greater area (within the 2 mv/m and 0.5 mv/m contours of the respective proposals).[11] The affected area and population lie within the New York-Northeastern New Jersey Urbanized Area, and all or a major portion of this area is presently served by a minimum of 20 standard broadcast stations. Since a plethora of reception services are presently available to the affected area, the Board finds that the withdrawal of the Watchung proposal would not, in this regard, frustrate the service distribution objectives of section 307(b) of the Communications Act nor constitute an undue impediment to the objectives of section 307(b) of the Communications Act.[12] Cf. Big Basin Radio, 12 FCC 2d 182, 12 RR 2d 990 (1968). In addition, immediate approval of the instant agreement would expedite the inauguration of a first local transmission facility for Stirling, if the new applicant receives a grant, and permit an immediate grant of the Sunbury application (see par. 6, infra). The Board is of the view that the public interest would best be served by providing these services at the earliest possible time. Cf. Lawrence County Broadcasting Corp., 10 FCC 2d 681, 11 RR 2d 863 (1967). The merger agreement will therefore be approved and the petition for leave to amend will be granted.

5. Pursuant to the terms of the instant agreement and amendment, K & M Broadcasters, Inc. (K & M) will be substituted for Herbert P. Michels as the Stirling applicant. The Commission has previously specified a full financial issue (including an inquiry into construction and operating cost estimates and availability of funds) against the Stirling proposal. While petitioner has submitted a revised financial plan in its amendment, the previously designated financial issue will not be deleted on the basis of the post-designation amendment inasmuch as a hearing will, in any event, remain necessary and the matter may best be resolved on the basis of an evidentiary record. Cf. Orange Nine, Inc., 8 FCC 2d 637, 10 R.R. 2d 489 (1967); Theodore Granik, FCC 65R-450, 2 FCC 2d 252 (1965). We shall therefore modify the existing financial issue against Michels to encompass the financial qualifications of the substituted applicant, K & M. The Suburban issue outstanding against Michels will likewise be modified.

6. On October 31, 1968, Sunbury filed a request for severance and grant, correctly contending that its proposal, to change from a directional to nondirectional operation daytime, is not mutually exclusive with the K & M application. It appears that a grant of Sunbury's proposal would result in substantial daytime gains in the areas and populations to be served by Station WKOK;[13] and no "white" or "grey" areas will thereby be created. The Board will therefore sever and grant the Sunbury application.

[5] As noted by the Bureau, the merger agreement provides that within 20 days after the date of the agreement (the agreement is dated Sept. 20, 1968), the new corporation will be organized; and that within 5 days after execution of the agreement a request to amend the Michels application would be submitted. Although the amendment and evidence of the formulation of the new corporation were not submitted until Oct. 22, 1968, the explained delay will not prejudice consideration of the instant requests. There is no provision in the agreement that time is of the essence. In addition, there has been no indication by the applicants that its failure to conform with these provisions of the agreement has in any manner rendered the agreement inoperative.

[6] A request to dismiss the Kel application is contained in the joint petition for leave to amend, filed Oct. 22, 1968.

[7] The specific provisions with regard to these stock rights and their duration were subsequently specified by petitioners in the supplement to joint petition for leave to amend.

[8] Although these subscriptions will not be exercised prior to a grant of a construction permit, the principals of the new corporation are clearly identifiable and appear in the submitted amendment.

[9] No reimbursement of expenses is contemplated under the agreement.

[10] As previously noted, before the Board is a petition to enlarge issues filed by Sunbury, which seeks the addition of "suburban community" and Rule 73.188 issues against Kel. Inasmuch as the instant merger plan contemplates the dismissal of the Kel proposal, a request for such issues would be moot.

[11] Areas and populations as follows:

	Population		Area (square miles)	
	2 mv/m	0.5 mv/m	2 mv/m	0.5 mv/m
Stirling	635,877	785,282	381	1,350
Watchung	1,382,291	1,655,247	590	1,660

[12] Although not determinative, the transmitter site contemplated by the new proposal is only 0.8 mile from the site which would have been utilized by the dismissing applicant and it is the expressed intention of the principals of the new applicant to serve the programing needs of both Stirling and Watchung.

[13] Sunbury has submitted the following areas and populations data:

Daytime contour mv/m	Population			Area (square mile)		
	Present	Proposed	Gain	Present	Proposed	Gain
5.0	81,866	91,232	9,366	491	537	46
2.0	131,519	166,424	34,905	1,064	1,211	147
0.5	277,871	335,134	57,263	3,617	4,060	443

7. *Accordingly, it is ordered,* That the petition to enlarge issues, filed September 11, 1968, by Sunbury Broadcasting Corp. (WKOK) is dismissed; that the request for extension of time, filed October 31, 1968, by the Broadcast Bureau, is dismissed; and

8. *It is further ordered,* That the joint petition for approval of agreement, filed September 25, 1968, and the joint petition for leave to amend, filed October 22, 1968, by Kel Broadcasting Co., Inc. and Herbert P. Michels, are granted; that the agreement is approved; that the amendment and supplements thereto filed October 30, 1968, and December 4, 1968, by Kel Broadcasting Co., Inc., and Herbert P. Michels, are accepted; that the application of Kel Broadcasting Co., Inc. (BP-17405), is dismissed with prejudice; that the application of K & M Broadcasters, Inc., is substituted for that of Herbert P. Michels; and that the application of K & M Broadcasters, Inc., is retained in hearing status; and

9. *It is further ordered,* That existing Issues 5 and 6, are amended to read as follows:

5. To determine the efforts made by K & M Broadcasters, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests;

6. To determine, with respect to the application of K & M Broadcasters, Inc.:

(a) The basis of the applicant's estimated construction costs and operating expenses for the first year.

(b) The amount of funds available to meet the costs of construction and the costs of operating during the first year.

(c) In the event the applicant will rely on operating revenues during the first year to meet fixed charges and operating costs, the basis for the applicant's estimate of revenues and whether such estimate is reasonable.

(d) In light of the evidence adduced pursuant to (a), (b), and (c) above, whether the applicant is financially qualified.

10. *It is further ordered,* That the request for severance and grant, filed October 31, 1968, by Sunbury Broadcasting Corp. (WKOK), is granted; and that the application of Sunbury Broadcasting Corp. (WKOK) (BP-16936), is severed from this proceeding and is granted, subject to the following conditions:

Permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that the nighttime radiation pattern remains adjusted within authorized limits.

Before program tests are authorized, permittee shall submit sufficient field intensity measurements to show that the horizontal inverse distance field intensity at 1 mile has been reduced to essentially 178.5 as proposed.

Adopted: February 19, 1969.

Released: February 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[14]

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

[F.R. Doc. 69-2313; Filed, Feb. 25, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-673]

CITIES SERVICE GAS CO. AND MOBIL OIL CORP.

Order Setting Matters for Hearing and Permitting Intervention

FEBRUARY 19, 1969.

Cities Service Gas Co. (Cities) filed a complaint in the above-captioned proceeding against Mobile Oil Corp. (Mobil) seeking a determination of a contractual dispute relating to the take-or-pay provisions in its 1946 contract with Mobil (designated as Mobil's FPC Gas Rate Schedule No. 3) under which Mobil sells natural gas to Cities at the outlet of its Hickok gasoline plant in the Kansas-Hugoton field or a determination that such contract provisions are unlawful and contrary to the public interest under section 5(a) of the Natural Gas Act, and for relief therefrom.

The take-or-pay provisions in this contract provide for an initial contract minimum take of 75,000 Mcf per day until 1949 and thereafter until the said minimum take is exceeded; at which time the minimum take is established by a ratio determined annually with the highest ratio reached prevailing for the remaining life of the contract. The ratio is based upon the relation which all deliveries from the Kansas-Hugoton field into Cities' 26-inch Hugoton to Kansas City pipeline bear to the total of all gas purchased and received into Cities' entire pipeline system, exclusive of gasoline plant residue gas and gas taken from underground storage. This ratio is then applied to the total of all gas purchased and received into Cities' entire pipeline system (except for the excluded deliveries mentioned above) to determine the minimum volume Cities shall take from the Kansas-Hugoton field for the ensuing 12-month period.

Mobil filed an answer to the complaint in which it contends, inter alia, that the take-or-pay provisions are lawful and in the public interest; and requests that the Commission defer action pending completion of the civil suit it filed in the U.S. District Court for the District of Kansas against Cities for a money judgment of not less than $664,605.46 for a 3-year period (contract years ending January 22, 1966, 1967, and 1968) for Cities' alleged failure to take or pay for the required minimum contractual volumes under its FPC Gas Rate Schedule No. 3.

In its reply Cities contends, among other things, that an early decision by the Commission is required because the uncertainties as to the validity of its contract "creates problems for Cities in its planning with regard to the additional gas supplies needed to meet the expanding requirement of its customers."

If Cities' position on the contract questions involved in the Kansas litigation is upheld by the court, then there would be no apparent need for the Commission to decide the public policy issue posed by Cities in its complaint. In these circumstances we would ordinarily defer action on Cities' complaint pending resolution of such contract questions.[1] The difficulty with this approach here is that if Mobil's contract interpretation is upheld by the court and if it is eventually determined by the Commission that the subject take-or-pay provisions are contrary to the provisions of the Natural Gas Act, deferral of prospective relief to Cities under section 5(a) of the Act might have an adverse effect of substantial magnitude on Cities for the period of any such deferral. We shall therefore set this matter for hearing now on the limited issue of whether the take-or-pay clause, as interpreted by Mobil, is consistent with the standards of sections 4 and 5 of the Natural Gas Act.

In setting this case for hearing, we are leaving for resolution in the Kansas court the contractual issues relating to the parties' conflicting interpretations of the take-or-pay provisions in the subject contract, and the amount of monetary damages, if any, that are payable for the period in dispute there. Therefore, neither evidence nor argument shall be directed towards those issues here.

The questions to be resolved in this hearing shall be limited to a determination of whether the take-or-pay provisions of the contract (as interpreted by Mobil)[2] are either unjust, unreasonable, unduly discriminatory or preferential and, if so, what contract provision shall be thereafter observed and in force. The parties for the purpose of this hearing shall assume, arguendo, that Cities' contractual liability under the subject provisions is not limited to the maximum capacity of gas which can be taken into Cities' 26-inch Kansas-Hugoton pipeline

[14] Dissenting Statement of Board Member Berkemeyer filed as part of the original document.

[1] See Merle M. Rowan, et al. v. Allied Chemical Corp., order issued Jan. 17, 1968, in Docket No. RI68-136.

[2] Cities alleges that under Mobil's interpretation the minimum take-or-pay provision is not limited by the capacity in Cities' existing lines running from the Hugoton Field. If Mobil's interpretation is correct the impact on Cities' operations might well be significant.

as now constituted, including not only the capacity as originally constituted but also as subsequently looped. The parties to the proceeding shall submit for the record their recommendation of an appropriate contract provision to be imposed by the Commission in the event it determines that the existing provision should be set aside.

We shall provide for a prehearing conference at which the factual matters to be resolved by formal evidentiary hearing, if any, will be ascertained. It is hoped that all matters which can be resolved without the necessity for a formal presentation will be settled by stipulation.

Petitions seeking leave to intervene have been filed jointly by Midwest Industrial and Commercial Gas Users Association and Armco Steel Corporation and individually by City Group Gas Association and The Gas Service Co. All of the petitioners are purchasers from Cities or represent purchasers. Mobil filed an answer to each of these petitions requesting that their petitions for leave to intervene be denied. We believe that it would be in the public interest to permit petitioners' request to intervene as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16 thereof, the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on the issues set forth in the body of this order.

(B) A Presiding Examiner, to be hereinafter designated by the Chief Examiner, shall preside at both the prehearing conference and the hearing.

(C) Pursuant to the provisions of Section 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall commence at 10 a.m., e.s.t., on April 8, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating this order.

(D) Following the prehearing conference, the Presiding Examiner shall give notice of the date of hearing and shall prescribe such other procedures as he deems appropriate in the disposition of these matters.

(E) The above petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission.

(F) Notices of intervention or petitions seeking leave to intervene shall be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 10, 1969.

By the Commission.

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

[F.R. Doc. 69-2280; Filed, Feb. 25, 1969; 8:45 a.m.]

LANDS WITHDRAWN IN PROJECTS NOS. 2049 AND 2202

Order Vacating Power Withdrawals Under Section 24 of the Federal Power Act

FEBRUARY 19, 1969.

Application has been filed by the U.S. Forest Service for partial vacation of the power withdrawals under the Federal Power Act pertaining to the following described lands of the United States:

(a) withdrawn for proposed Project No. 2049 and comprising about 4,651.26 acres:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 24 N., R. 11 W.,
Sec. 6, lots 2, 3, 4, 5, 6.
T. 25 N., R. 11 W.,
Sec. 20, lots 1 to 7 inclusive;
Sec. 21, lot 10;
Sec. 28, lots 4 to 8 inclusive, S½;
Sec. 29, lots 1 to 16 inclusive;
Sec. 31, lots 5, 11, 12, 13, 15, 16, N½SE¼, SW¼SE¼;
Sec. 32, lots 1 to 8 inclusive, lot 12;
Sec. 33, lots 1 to 8 inclusive.
T. 23 N., R. 12 W.,
Sec. 8, NE¼SW¼, S½S½;
Sec. 9, SW¼;
Sec. 15, W½NW¼;
Sec. 16, N½, SE¼, N½SW¼;
Sec. 17, W½NE¼.
T. 24 N., R. 12 W.,
Sec. 1, lots 1, 2, 4, 5, E½SW¼, SW¼SW¼;
Sec. 11, lots 1, 2, 3, SE¼NE¼, NE¼SW¼;
Sec. 12, lots 3, 4, 6, 7, SE¼NW¼;
Sec. 14, lot 1;
Sec. 15, lots 1, 2, SW¼NE¼, S½SW¼;
Sec. 16, SE¼SE¼;
Sec. 20, SE¼SE¼;
Sec. 21, lots 1, 2, 3, 5, 7, NW¼SE¼, NE¼SW¼;
Sec. 22, lot 1;
Sec. 28, lot 1.

(b) withdrawn for proposed Project No. 2202, the acreage of which is undeterminable from the map submitted with the application: All U.S. lands lying within the boundary of Project No. 2202 as shown on map "Exhibit H-I" (FPC No. 2202-1) entitled "Castle Peak Power Project" filed in the Office of the Federal Power Commission on April 23, 1956.

The application was filed to facilitate a proposed land exchange. The lands are located along the Middle Fork of Eel River, Hulls Creek, and Short Creek, Calif.

The lands described in (a) above were withdrawn pursuant to the filing on April 24, 1950, of an application for preliminary permit for proposed Project No. 2049 for which the Commission gave notice of land withdrawal to the Bureau of Land Management by letter dated June 15, 1950. A preliminary permit for the project expired May 31, 1954. The lands described in (b) above were withdrawn pursuant to the filing on April 23, 1956, of an application for preliminary permit for proposed Project No. 2202. A notice of the withdrawal of the lands was not given. A preliminary permit was issued for the project which expired January 31, 1959.

The plans proposed for Projects Nos. 2049 and 2202 were substantially similar except that the plans for the latter project incorporated revisions based on later topographic mapping.

The U.S. Geological Survey has advised that based on further topographic mapping, the generation of power as proposed at the site for Project No. 2202 would require an excessively high dam to regulate the erratic flow of the Middle Fork of Eel River. The Corps of Engineers has proposed the development of the Dos Rios reservoir site. The power value of lands within the Dos Rios site affected by the withdrawal for Project No. 2202 is protected by Power Site Reserve No. 541.

In the circumstances, we are vacating the land withdrawals pertaining to Projects Nos. 2049 and 2202 in their entirety.

The Commission finds:

The withdrawals of the subject lands pursuant to the applications for Projects Nos. 2049 and 2202 serve no useful purpose and should be vacated.

The Commission orders: The withdrawals of the subject lands pursuant to the applications for Projects Nos. 2049 and 2202 are hereby vacated.

By the Commission.

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

[F.R. Doc. 69-2281; Filed, Feb. 25, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

FEBRUARY 19, 1969.

It appears to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, 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 12 noon, e.s.t., February 19, 1969, through February 28, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2302; Filed, Feb. 25, 1969; 8:47 a.m.]

[811-189]

EQUITY CORP.

Notice of and Order for Hearing on Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 19, 1969.

On December 12, 1968, the Commission issued a notice (Investment Company Act Release No. 5561) of an application by The Equity Corp. ("applicant") 26 Broadway, New York, N.Y. 10004, registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., for an order pursuant to section 8(f) of the Act declaring that the applicant has ceased to be an investment company. The notice gave any interested person an opportunity to file a request in writing for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted.

Certain shareholders of applicant have filed requests for a hearing. It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 10th day of March 1969, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 6th day of March 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and requests for hearing and that upon the basis thereof the following matters are presented for consideration, without prejudice to the specification of additional matters upon further examination:

(1) Whether applicant has ceased to be an investment company;

(2) If so, whether it is necessary for the protection of investors that the order contain appropriate conditions.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the applicant, those persons who have requested a hearing, or who have requested to be notified if a hearing is ordered, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2303; Filed, Feb. 25, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 20, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41568—*Petroleum and petroleum products from specified points in Utah*. Filed by Western Trunk Line Committee, agent (No. A-2578), for interested rail carriers. Rates on petroleum and petroleum products, as described in the application, in tank carloads, from North Salt Lake, Salt Lake City, and Woods Cross, Utah, to points in western trunkline territory.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplements 46 and 67 to Western Trunk Line Committee, agent, tariffs ICC A-4593 and A-4572, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2315; Filed, Feb. 25, 1969; 8:48 a.m.]

[Notice 539]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 20, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2401 (Deviation No. 25), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, filed February 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Vincennes, Ind., over U.S. Highway 50 to junction Interstate Highway 65, thence over Interstate Highway 65 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Vincennes, Ind., over U.S. Highway 41 to Terre Haute, Ind., thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same route.

No. MC 3151 (Deviation No. 3), BENDER & LOUDON MOTOR FREIGHT, INC., 3024 North Cleveland-Massillon Road, West Richfield, Ohio 44286, filed February 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Huron, Ohio, and Toledo, Ohio, over Ohio Highway 2 (Expressway), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Huron, Ohio, over U.S. Highway 6 to Fremont, Ohio, thence over U.S. Highway 20 to Lemoyne, Ohio, thence over Ohio Highway 120 to Toledo, Ohio, and return over the same route.

No. MC 10875 (Deviation No. 19), BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y. 10011, filed February 11, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Newark, N.J., over New Jersey Highway 17 to the New York-New Jersey State line, near Suffern, N.Y., thence over New York Highway 17 to Binghamton, N.Y., and return over the same route, for operating convenience only. The notice indicates that

the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Newark, N.J., over U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Binghamton, N.Y., and return over the same route.

No. MC 37896 (Deviation No. 1), YOUNGBLOOD TRUCK LINES, INC., Fletcher, N.C. 28732, filed February 11, 1969. Carrier's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fletcher, N.C., over North Carolina Highway 3526 (an access road) to junction Interstate Highway 26, near Fletcher, N.C., thence over Interstate Highway 26 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 25, near Lexington, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to Springfield, Ohio, thence over Ohio Highway 4 to Dayton, Ohio, thence over U.S. Highway 25 to Cincinnati, Ohio, thence over U.S. Highway 25 via Lexington, Ky., to Corbin, Ky., thence over U.S. Highway 25E to Morristown, Tenn., thence over U.S. Highway 11E to Greenville, Tenn., thence over Tennessee Highway 70 to the Tennessee-North Carolina State line, thence over North Carolina Highway 208 to junction combined U.S. Highways 25–70, thence over combined U.S. Highways 25–70 to Asheville, N.C., thence over U.S. Highway 74 to Wilmington, N.C.; and (2) from Winston-Salem, N.C., over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over U.S. Highway 70 to Asheville, N.C., thence over U.S. Highway 25 (also Alternate U.S. Highway 25) to Fletcher, N.C., and return over the same route.

No. MC 37896 (Deviation No. 2), YOUNGBLOOD TRUCK LINES, INC., Fletcher, N.C. 28732, filed February 11, 1969. Carrier's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Carrier proposes to operate a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 25 and Interstate Highway 26, near Fletcher, N.C., over Interstate Highway 26 to Charleston, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fletcher, N.C., over U.S. Highway 25 to junction U.S. Highway 176, thence over U.S. Highway 176 to Charleston, S.C., and return over the same route.

No. MC 60186 (Deviation No. 7), NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066, filed February 13, 1969. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: (1) From New York, N.Y., through the Holland Tunnel (Interstate Highway 78) to junction New Jersey Turnpike, thence over the New Jersey Turnpike to Deepwater, N.J., thence over Interstate Highway 295 to junction Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md.; and (2) from New York, N.Y., through the Lincoln Tunnel (Interstate Highway 495) to the New Jersey Turnpike, thence over the New Jersey Turnpike to Fellowship, N.J., thence over New Jersey Highway 73 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and return over the same route.

No. MC 61016 (Deviation No. 4), PETER PAN BUS LINES, INC., Main Street, Springfield, Mass. 01103, filed January 27, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 (Massachusetts Turnpike) to junction Massachusetts Highway 128 at or near Weston, Mass., thence over Massachusetts Highway 128 (an access road) to junction Massachusetts Highway 9, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 via junction U.S. Highway 20 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20 (also from junction U.S. Highway 20 and Massachusetts Highway 9 over U.S. Highway 20 to junction Massachusetts Highway 12), thence over U.S. Highway 20 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 via Sturbridge, Mass., to the Massachusetts-Connecticut State line, thence over Connecticut Highway 15 to junction Connecticut Highway 20 (formerly Connecticut Highway 15), thence over Connecticut Highway 20 via Stafford Springs, Conn., to Somers, Conn., thence over Connecticut Highway 83 to the Massachusetts-Connecticut State line, thence over Massachusetts Highway 83 to Springfield, Mass., thence over U.S. Highway 5 to Northampton, Mass., and return over the same route.

No. MC 110325 (Deviation No. 18), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. 90015, filed February 10, 1969. Carrier's representative: Jerome Biniasz, Box 54005, Terminal Annex, Los Angeles, Calif. 90054. Carrier proposes to operate as a *common carrier*, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Columbus, Ohio, and Indianapolis, Ind., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cleveland, Ohio, over U.S. Highway 42 to junction unnumbered highway near Ashland, Ohio, thence over unnumbered highway via Ashland to junction U.S. Highway 42, thence over U.S. Highway 42 via Bellepoint, Ohio, to junction U.S. Highway 40 at or near Lafayette, Ohio, thence over U.S. Highway 40 to junction unnumbered highway near Summerford, Ohio, thence over unnumbered highway via Summerford to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway near South Vienna, Ohio, thence over unnumbered highway via South Vienna to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Ohio Highway 440 (formerly portion U.S. Highway 40), thence over Ohio Highway 440 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind.; and (2) from Marion, Ohio, over U.S. Highway 23 to Columbus, Ohio, thence over U.S. Highway 40 to Lafayette, Ohio, and return over the same route.

Motor Carriers of Passengers

No. MC–1515 (Deviation No. 507), GREYHOUND LINES, INC., (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed February 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 23 and Ohio Highway 423 (formerly portion U.S. Highway 23) north of Marion, Ohio, over U.S. Highway 23 to junction Ohio Highway 423 at Waldo, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Carey, Ohio, over Ohio Highway 199 (formerly portion U.S. Highway 23) to junction U.S. Highway 23, approximately 5 miles south of Upper Sandusky, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 423 (formerly portion U.S. Highway 23), thence over Ohio Highway 423 via Marion, Ohio, to junction U.S. Highway 23 at Waldo, Ohio, thence over

U.S. Highway 23 via Delaware to Columbus, Ohio, and return over the same route.

No. MC 1515 (Deviation No. 508) (Cancels Deviation Nos. 389 and 452), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed February 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 90 near Falmouth, Fla., with the following access routes: (a) From junction Interstate Highway 10 and U.S. Highway 441 over U.S. Highway 441 to Lake City, Fla.; and (b) from junction Interstate Highway 10 and U.S. Highway 129 over U.S. Highway 129 to Live Oak, Fla.; and (2) from Loxely, Ala., over Alabama Highway 59 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Florida Highway 285, thence over Florida Highway 285 to junction U.S. Highway 90 near Mossy Head, Fla., with the following access routes: (a) From Pensacola, Fla., over U.S. Highway 29 to junction Interstate Highway 10; (b) from Milton, Fla., over Florida Highway 191 to junction Interstate Highway 10; (c) from Holt, Fla., over Florida Highway 189 to junction Interstate Highway 10; and (d) from Crestview, Fla., over Florida Highway 85 to junction Interstate Highway 10, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Dothan, Ala., over U.S. Highway 231 to junction Florida Highway 73, thence over Florida Highway 73 to Marianna, Fla., thence over U.S. Highway 90 to Lake City, Fla.; (2) from Chattanooga, Tenn., over U.S. Highway 41 via Macon, Ga., to Lake City, Fla., thence over U.S. Highway 90 to Jacksonville, Fla.; and (3) from Marianna, Fla., over U.S. Highway 90 via Pensacola, Fla., to Bridgehead, Ala., thence over U.S. Highway 98 (formerly portion Alabama Highways 104 and 89) via Fairhope, Ala., to Point Clear, Ala., and return over the same routes.

By the Commission.

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

[F.R. Doc. 69-2316; Filed, Feb. 25, 1969; 8:48 a.m.]

[Notice 1271]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 20, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 50493 (Sub-No. 32) (Republication) filed September 28, 1967, published FEDERAL REGISTER issue of October 12, 1967, and republished this issue. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. Applicant's representative: Frank A. Doocey, 527 Hamilton Street, Allentown, Pa. 18101. In the above-entitled proceeding the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle over irregular routes of *dry dicalcium phosphate*, in bulk and in bags, from Baltimore, Md., to points in Delaware, Virginia, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Ohio, and the District of Columbia. A decision and order of the Commission, Review Board No. 3, dated February 5, 1969, and served February 11, 1969, as amended, find that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of dry dicalcium phosphate (feed grade), in bulk and in bags (except in tank vehicles), from Baltimore, Md., to points in Pennsylvania, New York, Connecticut, Massachusetts, and Ohio, restricted against service of any consignee or consignor served by it as a contract carrier; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59856 (Sub-No. 28) (Republication), filed October 3, 1968, published in FEDERAL REGISTER issue of October 24, 1968, and republished this issue. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. By application filed October 3, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Columbia Geneva Mill located on Wyoming Highway 28 approximately 30 miles south of Lander, Wyo., and Rock Springs, Wyo., from Columbia Geneva Mill over Wyoming Highway 28 to junction with U.S. Highway 187, thence over U.S. Highway 187 to Rock Springs, and return over the same route, as an alternate route for operating convenience only, in connection with presently authorized regular route operations and restricted against service with following authorized regular routes: Authority in its Sub 24, between Utah-Wyoming boundary line and Rawlins, Wyo., over U.S. Highway 30 and Interstate Highway 80, and authority in its Sub 25, between Rawlins and Lander, Wyo., over U.S. Highway 287 and between Lander, Wyo., and the Columbia Geneva Mill at Atlantic City, Wyo., over U.S. Highway 287 and Wyoming Highway 28.

An order of the Commission, Operating Rights Board, dated January 31, 1969, and served February 14, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and commodities requiring special equipment, and those injurious or contaminating to other lading), between the plantsite of the Columbia Geneva Division of United States Steel Corp. near Atlantic City, Wyo., and Rock Springs, Wyo., from said plantsite of the Columbia Geneva Division of United States Steel Corp. over Wyoming Highway 28 to its junction with U.S. Highway 187 and thence over U.S. Highway 187 to Rock Springs, and return over the same route, as an alternate route for operating convenience only, in connection with its presently authorized regular-route operations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication,

during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59952 (Sub-No. 6) (Republication), filed April 29, 1968, published in the FEDERAL REGISTER issue of May 16, 1968, and republished this issue. Applicant: THE J. M. BARBE CO., a corporation, 470 South Street SE., Post Office Box 767, Warren, Ohio 44483. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. By application filed April 29, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, over irregular routes, as a common carrier by motor vehicle of metal containers, container ends, parts, and accessories therefor, between Warren and Niles, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Michigan, Indiana, Delaware, Maryland, and Kentucky. A report and order of the Commission, Division 1, served January 8, 1969, effective February 7, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes of (1) *empty metal containers;* (2) *container ends;* and (3) *parts and accessories* for the commodities described in parts (1) and (2) above, between Warren and Niles, Ohio, on the one hand, and, on the other, points in Delaware, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, and West Virginia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114301 (Sub-No. 51) (Republication), filed October 13, 1967, published FEDERAL REGISTER issue of October 26, 1967, and republished this issue. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 141, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. In the above-entitled proceeding the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of dry dicalcium phosphate (feed grade) in bulk, from Baltimore, Md., to points in Delaware, Virginia, West Virginia, Massachusetts, New Jersey, Pennsylvania, New York, Connecticut, Ohio, Rhode Island, Vermont, and the District of Columbia. A decision and order of the Commission, Review Board Number 3, dated February 5, 1969 and served February 11, 1969, as amended, find that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *dry dicalcium phosphate* (feed grade) (1) in bulk and in bags, from Baltimore, Md., to points in Vermont, New York, Delaware, Ohio, West Virginia, Virginia, and the District of Columbia; (2) in bags, from Baltimore, Md., to points in Pennsylvania and Rhode Island; and (3) in bulk, from Baltimore, Md., to points in the New Jersey Counties of Salem, Cape May, Atlantic, and Ocean; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129723 (Sub-No. 2) (Republication), filed March 29, 1968, published in FEDERAL REGISTER issue of April 10, 1968, and republished this issue. Applicant: LAND TRUCK LINES, INC., Route 2, Box 15A, Albertville, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. By report and order entered in the above-entitled proceeding on October 10, 1968, the Commission, Review Board Number 4, granted applicant authority to transport wooden boxes, and wooden pallets when moving in mixed loads with wooden boxes, from the plant-site of United Wooden Container Co., at or near Albertville, Ala., to points in Texas, Oklahoma, Louisiana, Tennessee, and Illinois. By petitions (letters) filed November 10, 1968, November 13, 1968, and December 18, 1968, applicant seeks to amend the application by adding Guntersville, Ala., as an origin point. An order of the Commission, Division 1, Acting as an Appellate Division, dated February 5, 1969, and served February 14, 1969, finds that the said application is hereby amended by adding Guntersville, Ala., as an origin point, and that the above-entitled application be reopened for further processing under the modified procedure, and notice of same be published in the FEDERAL REGISTER. Within 20 days of the service of the order (Feb. 14, 1969), applicant shall submit supplemental verified statements in support of its application. Parties to this proceeding, and other persons having an interest, if any there be, may submit verified statements in opposition to the application as amended within 45 days from the date of publication of the notice of this order in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 35320 (Sub-No. 105), filed January 27, 1969. Applicant: T.I.M.E.—DC, INC., Post Office Box 2550, 2598 74th Street, Lubbock, Tex. 79408. Applicant's representatives: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. and Frank M. Garrison, Post Office Box 2550, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Kansas City, Mo., and Harrison, Ark.; From Kansas City over U.S. Highway 50 over Lees Summit, Mo., to Warrensburg, Mo., thence over Missouri Highway 13 through Clinton, Mo., to Springfield, Mo., thence over U.S. Highway 65 to Harrison (also from Lees Summit, Mo., over By Pass U.S. Highway 71 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 35, thence over U.S. Highway 35 to Clinton, and thence to Harrison as specified above), and return over the same route, serving no intermediate points but serving Springfield, Mo., for purposes of joinder only. NOTE: This is a matter directly related to MC–F–10385, published in the FEDERAL REGISTER issue of February 5, 1969. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 59918 (Sub-No. 1), filed January 15, 1969. Applicant: CLINTON TRUCKING CO., INC., 623 Main Street, Clinton, Mass. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between points in Massachusetts on and west of Massachusetts Highway 32. NOTE: Applicant states it intends to tack at Springfield, Mass., with its presently held authority. This matter is directly related to MC–F–10366 published in FEDERAL REGISTER issue of January 23, 1969. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 98571 (Sub-No. 3), filed January 30, 1969. Applicant: A & B GARMENT DELIVERY, 2645 Nevin Avenue, Los Angeles, Calif. 90011. Applicant's representative: A. David Millner, 744

Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *accessories and other commodities* incidental thereto, including costume or novelty jewelry, when transported with wearing apparel, between points within the Los Angeles Basin Area set forth below: *Los Angeles Basin Area*, beginning at the intersection of the westerly boundary of the city of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundaries of said city to its point of first intersection with the southerly boundary of Angeles National Forest, thence along the southerly boundary of Angeles and San Bernardino National Forests to the point of intersection of said southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County line, thence in a southerly and westerly direction along said county boundary to a point thereon distant 5 miles east of the intersection of said county boundary and U.S. Highway 91, thence generally southerly and southwesterly along a line generally paralleling and distant 5 miles from U.S. Highway 91, California Highway 55, U.S. Highway 101, Laguna Canyon Road and the prolongation thereof to the Pacific Ocean, thence along the coastline of the Pacific Ocean to the point of beginning. NOTE: Applicant states it seeks to continue tacking of its rights with A & B Garment Delivery of San Francisco, and Garment Carriers, Inc. Applicant states no duplicating authority is being sought. By this instant application, applicant seeks to convert its certificate of registration to a certificate of public convenience and necessity. This matter is directly related to MC-F-10377, published in FEDERAL REGISTER issue of February 5, 1969. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10397. Authority sought for purchase by ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, N. Mex. 87110, of a portion of the operating rights of SPRINGER CORPORATION, Post Office Drawer S, Albuquerque, N. Mex. 87103, and for acquisition by HAROLD O. VOLDEN, 3215 Second SW., Albuquerque, N. Mex., and OLIF Q. BOYD, 7105 Edwina NE., Albuquerque, N. Mex., of such rights through the purchase. Applicants' attorneys: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009, and Jerry R. Murphy, 708 LaVeta NE., Albuquerque, N. Mex. 87108. Operating rights sought to be transferred: *Commodities* which, because of size or weight, require the use of special equipment (heavy hauling authority), as a *common carrier*, over irregular routes, between points in that part of New Mexico, Colorado, and Arizona, within 20 miles of Albuquerque, N. Mex. Restriction: Service is not authorized to or from points on Federal or State highways other than the city of Albuquerque, N. Mex., except in instances where such service requires the use of special equipment. Vendee is authorized to operate as a *common carrier* in Colorado, New Mexico, Arizona, Oklahoma, and Texas. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10398 (ARIZONA TANK LINES, INC.—Purchase (Portion)—SPRINGER CORP.), published this same issue.

No. MC-F-10398. Authority sought for purchase by ARIZONA TANK LINES, INC., 4715 West Buckeye Road, Post Office Box 6430, Phoenix, Ariz. 85005, of a portion of the operating rights of SPRINGER CORPORATION, Post Office Drawer S, Albuquerque, N. Mex. 87101, and for acquisition by TOM C. COX, also of Phoenix, Ariz., of control of such rights through the purchase. Applicants' attorney: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Operating rights sought to be transferred: *Commodities* in bulk, as a *common carrier*, over irregular routes, between points in that part of New Mexico, Colorado, and Arizona, within 20 miles of Albuquerque. Vendee is authorized to operate as a *common carrier* in California, Nevada, Texas, Arizona, Utah, New Mexico, and Colorado. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10397 (ARROW FREIGHTWAYS, INC.—Purchase (Portion)—SPRINGER CORP.), published this same issue.

No. MC-F-10399. Authority sought for purchase by J. & M. TRUCKING, INC., West Highway 30, Post Office Box 11, Sidney, Nebr. 69162, of the operating rights of L. E. WHITLOCK TRUCK SERVICE, INC., 2700 Stemmons Freeway, Dallas, Tex. 75207, and for acquisition by CARL E. JOHNSON, 2345 Maple, Sidney, Nebr. 69162, and S. BLANCHE MOSS, Loveland, Colo., of control of such rights through the purchase. Applicants' attorney: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between points in Kansas, Oklahoma, Nebraska, and Wyoming, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Colorado and Utah, with restrictions; and *machinery, materials, equipment, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and the products and byproducts and, *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, maintenance, servicing, and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or truck pipelines, between points in that part of Nebraska on and west of U.S. Highway 83 extending through McCook, North Platte, and Valentine, Nebr., those in that part of Colorado on and east of U.S. Highway 87 extending through Trinidad, Pueblo, Colorado Springs, Denver, and Wellington, Colo., and Casper, Wyo., and points in that part of Wyoming in and east of Campbell, Converse, and Albany Counties, Wyo., on the one hand, and, on the other, points in that part of North Dakota on and west of North Dakota Highway 30 extending through Rolla, York, Medina, and Lehr, N. Dak., and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14 extending through Midland, Rapid City, Sturgis, and Spearfish, S. Dak. Vendee is authorized to operate as a *common carrier* in Colorado and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10400. Authority sought for purchase by KENNETH C. HERRIOTT, 623 Neely Manor Boulevard, East Palestine, Ohio 44413, of the operating rights of SCHRIEFFER'S MOTOR SERVICE, INC. (LEONARD M. SPIRA, Assignee for Benefit of Creditors), 400 East Randolph Drive, Suite 2909, Chicago, Ill. 60601. Applicants' attorneys: Paul J. Maton, 10 South La Salle Street, Chicago, Ill. 60603, and Robert Krier, 88 East Broad Street, Columbus, Ohio 43221. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120524 Sub 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce within the State of Illinois. KENNETH C. HERRIOTT holds no authority from this Commission. However, he controls HERRIOTT TRUCKING COMPANY, INC., Summer and Alice Streets, East Palestine, Ohio, which is authorized to operate as a *common carrier* in Ohio, West Virginia, Illinois, Pennsylvania, and New York. Application has been filed for temporary authority under section 210a(b). NOTE: MC-133486 is a matter directly related.

No. MC-F-10401. Authority sought for control by CONTAINERFREIGHT CORPORATION, 110 Pine Avenue, Long Beach, Calif. 90802, of ALFRED J. OLMO DRAYAGE CO., 6 South Linden Avenue, South San Francisco, Calif. 94080, and for acquisition by SAVERY L. NASH, 2617 Via Campesina, Palos Verdes Estates, Calif. 90274 and RICHARD A. ELMS, 910 Valencia Mesa Drive, Fullerton, Calif., of control of ALFRED J. OLMO DRAYAGE CO., through the acquisition by CONTAINERFREIGHT CORPORATION. Applicants' attorney:

Savery L. Nash, 110 Pine Avenue, Long Beach, Calif. 90802. Operating rights sought to be controlled: Under a certificate of registration in Docket No. MC-99296 Sub-No. 1, covering the transportation of general commodities as a common carrier in intrastate commerce within the State of California. CONTAINERFREIGHT CORPORATION, holds no authority from this Commission. However, it controls HILL TRANSPORTATION CO., Pier 54, San Francisco, Calif., which is authorized to operate as a *common carrier* in the State of California. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 69-2317; Filed, Feb. 25, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 20, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4271, filed February 4, 1969. Applicant: CREST EXPRESS COMPANY, INC., 211 Sunset Road, Elizabethtown, Ky. 42701. Applicant's representative: Hon. Leonard K. Nave, 116 Lexington Street, Versailles, Ky. 40383. Certificate of public convenience and necessity sought to operate a property service as follows: Transportation of *property*, between Elizabethtown, Ky., and Louisville, Ky., serving all intermediate points, including Fort Knox, Ky.; from Elizabethtown via U.S. Highway 31W to its junction with U.S. Highway 60; thence via U.S. Highway 60 and U.S. Highway 31W to Louisville, serving Elizabethtown and Louisville as origin-terminal points, and return over the same route, also from Elizabethtown via Interstate Highway 65 to Louisville, and return over the same route, for operating convenience only, serving no intermediate point. Both intrastate and interstate authority sought.

HEARING: Monday, March 24, 1969, at 10 a.m., e.s.t., in the Department of Motor Transportation, Fourth Floor, State Office Building, Frankfort, Ky. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Kentucky Department of Motor Transportation, Fourth Floor, State Office Building, Frankfort, Ky., and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 69-2318; Filed, Feb. 25, 1969; 8:48 a.m.]

[Notice 784]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 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 9325 (Sub-No. 40 TA), filed February 14, 1969. Applicant: K LINES, INC., Post Office Box 187, Lebanon, Oreg. 97355. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eugene, Oreg., to points in Del Norte, Siskiyou, and Modoc Counties, Calif., and Curry County, Oreg., for 180 days. Supporting shipper: Ideal Cement Co., 821 17th Street, Denver, Colo. 80202. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 21242 (Sub-No. 3 TA), filed February 14, 1969. Applicant: GENSER TRUCKING CO., INC., 1150 Longwood Avenue, Bronx, N.Y. 10474. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in containers or trailers having a prior or subsequent movement by water in interstate or foreign commerce, between points in the New York, N.Y., commercial zone, as defined by the Commission, for 150 days. Supporting shippers: United States Lines, Inc., 1 Broadway, New York, N.Y. 10004; and Belgian Line Inc., 67 Broad Street., New York, N.Y. 10004. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 61403 (Sub-No. 193 TA), filed February 14, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 47, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulfate*, in bulk, in tank or hopper vehicles, from Lowland, Tenn., to Sharonville, Ohio, for 150 days. Supporting shipper: Duro Paper Bag Manufacturing Co., Ludlow, Ky. (Davies and Linden Streets) 41016. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 73688 (Sub-No. 30 TA), filed February 14, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7183, Memphis, Tenn. 38107. Applicant's representative: Paul A. Costin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Caruthersville, Mo., to Paragould, Ark., and *rejected or damaged shipments* to be handled on return, for 150 days. Supporting shipper: Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603 (Mr. W. A. Jerndt, Assistant General Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 107295 (Sub-No. 168 TA), filed February 14, 1969. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, chain link, and accessories, pipe posts, and wire mesh, concrete reinforcement*, from Rock Hill, S.C., to points in Arkansas, Missouri, Iowa, Illinois, Kentucky, Indiana, Ohio, Michigan, West Virginia, Florida, and North Carolina for 180 days. Supporting shipper: National Fence Manufacturing Co., Inc., 4301 46th Street, Bladensburg, Md. 20710. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113388 (Sub-No. 85 TA) (Correction), filed January 27, 1969, published FEDERAL REGISTER, issue of February 8, 1969, and republished as corrected

this issue. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 265, Bridgeville, Del. 19933. Applicant's representative: William J. Augello, Jr., Bar Building, 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Barker, Buffalo, and Medina, N.Y., to points in Connecticut, Massachusetts, Salem, N.H., and Portland, Maine, for 180 days. NOTE: The purpose of this republication is to correct the spelling of Salem, N.H. Supporting shipper: Southland Frozen Foods, Inc., 1 Linden Place, Great Neck, N.Y. 11021, P. M. Persicano, Traffic and Warehousing Manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113678 (Sub-No. 338 TA), filed February 14, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and frozen foods*, from Colorado Springs, Colo., to points in Nebraska, Kansas, Missouri, and Alton, Ill.; East St. Louis, Ill., and Granite City, Ill., and points in their commercial zones, for 180 days. Supporting shipper: Johnson Food Co., Post Office Box 1269, Colorado Springs, Colo. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114365 (Sub-No. 4 TA), filed February 14, 1969. Applicant: RAY ACKERMAN, 283 Roosevelt Street, Post Office Box 174, Iron Mountain, Mich. 49801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda water, such as seltzer and soft drinks*, in full straight or mixed loads, from Milwaukee, Wis., to Kingsford, Mich., and *empty containers*, on return, for 180 days. Supporting shipper: Rice Juice Co., Kingsford, Mich 49801 (By William J. Rice). Send protests to: District Supervisor C. R. Flemming, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 115162 (Sub-No. 166 TA), filed February 14, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and fittings therefor*, from the plantsite of Jackson Tubing and Conduit Corp., at or near Cedar Springs, Ga., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Jackson Tubing and Conduit Corp., Cedar Springs, Ga 31732. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 126473 (Sub-No. 9 TA), filed February 14, 1969. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; *fertilizer and fertilizer materials*, dry, in bulk, and in bags, from the plantsite of Sinclair Oil Corp., at or near Fort Madison, Iowa, to points in Arkansas, Illinois (except points in the Chicago, Ill., and East St. Louis, Ill., commercial zones), Indiana (except points in the Chicago, Ill., commercial zone), Kansas, Kentucky, Michigan, Minnesota, Missouri (except points in the St. Louis, Mo. commercial zone), Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, for 180 days, restricted to traffic originating at the plant of Sinclair Oil Corp., at or near Fort Madison, Iowa, and destined to points in the named destination States. Supporting shipper: Chemical Division, Sinclair Oil Corp., 120 South Riverside Plaza, Chicago, Ill. 60606. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 133233 (Sub-No. 3 TA), filed February 14, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, from points in Iowa, to points in Idaho and Utah, for 150 days. Supporting shipper: Farrell Grain Co., 200 West 21st Street, Ogden, Utah (Wayne Farrell). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133351 (Sub-No. 1 TA), filed February 14, 1969. Applicant: ELTON F. PERKINS, doing business as PERKINS LUMBER COMPANY, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 465 Congress Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor systems and machinery used in the shoe and textile industries and parts thereof*, from Lewiston, Maine to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Diamond Machinery Co., River Road, Lewiston, Maine 04240. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 133478 TA, filed February 14, 1969. Applicant: HEARIN FOREST INDUSTRIES, INC., 4854 Southwest Scholls Ferry Road, Portland, Oreg. 97225. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, green and dry; *lumber*, and *laminated veneer*, dry, from Seattle, Winlock, Vancouver, Longview, and Stevenson, Wash., to the site of the Georgia-Pacific Corp., located at or near Eugene, Oreg., limited to service under a continuing contract or contracts with Georgia-Pacific Corp., Eugene, Oreg., for 180 days. Supporting shipper: Georgia-Pacific Corp., Eugene Division, Post Office Box 789, Eugene, Oreg. 97401. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

By the Commission.

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

[F.R. Doc. 69-2319; Filed, Feb. 25, 1969; 8:48 a.m.]

[Notice 785]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 20, 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 15197 (Sub-No. 3 TA), filed February 13, 1969. Applicant: JOHN BUYSMAN, JR., 103 West Eighth Street, Sheldon, Iowa 51201. Applicant's representative: George O. Johnson, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixture for livestock and poultry feeding, animal and poultry feed concentrates, dry earth paint* (impregnated with disinfectants), *animal and poultry tonics and medicines, insecticides, livestock and poultry feeders and equipment, advertising matters and premiums*, from

Quincy, Ill., to Alexandria, S. Dak., and return of *empty containers* used in the transportation of the above described commodities, *damaged, refused or unclaimed* shipments, for 180 days. Supporting shipper: Moorman Manufacturing Co., 1000 North 30th Street, Quincy, Ill. 62301. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 76032 (Sub-No. 237 TA), filed February 13, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between South Bend, Ind., and Detroit, Mich., serving no intermediate points: (1) From South Bend over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, and return over the same route; (2) from South Bend over Interstate Highway 80 to junction Indiana Highway 13 (at Exit 10), thence over Indiana Highway 13 to junction U.S. Highway 131, thence over U.S. Highway 131 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, and return over the same route: Restriction: Restricted to traffic moving between points on and west of U.S. Highways 77 and 75, commencing at the international boundary line between the United States and Mexico at or near Brownsville, Tex., and extending northerly over U.S. Highway 77 to the junction of U.S. Highways 77 and 75 at Sioux City, Iowa, and thence continuing northerly over U.S. Highway 75, to the international boundary line between the United States and Canada, on the one hand, and, on the other, Detroit, Mich., for 180 days. NOTE: Applicant states it intends to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Robert C. Hulley, Manager, South Bend, Indiana Terminal, Navajo Freight Lines, Inc., 1020 South Webster Street, South Bend, Ind. 46621. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 101940 (Sub-No. 2 TA), filed February 12, 1969. Applicant: WHALENS, INC., 102 North Sixth Street, Grand Forks, N. Dak. 58201. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Grand Forks, Walsh, Traill, Steele, Griggs, and Nelson Counties, N. Dak., and Polk, Marshall, Norman, and Pennington Counties, Minn., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; and Smyth Worldwide Movers, Inc., 12616 Aurora Avenue North, Seattle, Wash. 98133. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 105375 (Sub-No. 41 TA), filed February 18, 1969. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Robert W. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles (1) from MAPCO terminals, located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; (2) from MAPCO terminal located at or near Greenwood, Nebr., to points in Colorado, Iowa, Missouri, Kansas, Nebraska, South Dakota, and Wyoming; (3) "Restricted to the transportation of shipments which originate at the facilities of the MAPCO Co. located at or near Greenwood, Nebr., and destined to points in the named destination States" for 180 days. Supporting shipper: Cominco American, Spokane, Wash. 99201. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 107002 (Sub-No. 365 TA), filed February 13, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate of alumina*, liquid, in bulk, in tank vehicles, from Ferguson, Miss., to points in Louisiana, for 180 days. Supporting shipper: American Cyanamid Co., Industrial Chemicals Division, Wayne, N.J. 07470. Send protests to: District Supervisor Alan C. Tarrant, Interstate Commerce Commission, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 107295 (Sub-No. 167 TA), filed February 13, 1969. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building parts; heating, cooling, and air handling systems, and material, supplies, and accessories* used in the installation of such systems (except commodities which because of their size and weight require special equipment and special handling); from Rockford, Ill., to points in Colorado, Montana, and Wyoming, for 180 days. Supporting shipper: United Sheet Metal, 1122 Milford Avenue, Rockford, Ill. 61109. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107541 (Sub-No. 25 TA), filed February 18, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukee, Oreg. 97222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and fertilizer* (not to include liquid bulk), from Siskiyou, King, Santa Cruz, Santa Clara, Stanislaus, Sacramento, Fresno, Kern, San Mateo, Sonoma, Contra Costa, Tulare, Alameda, Marin, Solano, San Joaquin Counties, Calif., also Nye and Lyon Counties, Nev., to points in Oregon and Washington for 180 days. Supporting shippers: H. J. Stoll & Sons, Inc., 2320 Southeast Grand Avenue, Portland, Oreg. 97214, and Wilbur Ellis Co., Post Office Box 8838, Portland, Oreg. 97208. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 108460 (Sub-No. 37 TA), filed February 17, 1969. Applicant: PETROLEUM CARRIERS COMPANY, 5104 West 14th Street, 57106, Post Office Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: John M. Heisler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from (1) the pipeline facilities of the Mid-America Pipeline Co. (MAPCO), at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; and (2) from the pipeline facilities of the Mid-America Pipeline Co. (MAPCO), at or near Early and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming, for 180 days. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201, A. E. Macdonald, Manager, Distribution and Traffic. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 111231 (Sub-No. 164 TA), filed February 17, 1969. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representatives: Crouch, Blair, Cypert and Waters, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles*, from Caruthersville, Mo., to Paragould, Ark., for 180 days. Supporting shipper: Inland Steel Co., Chicago, Ill 60603 (30 West Monroe St.). Send protests to: District Supervisor William H.

Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112822 (Sub-No. 93 TA), filed February 12, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic mouldings, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products, and accessories* used in the installation of such products, in straight or mixed loads, from McPherson, Kans., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, for 150 days. Supporting shipper: Certain-Teed Products Corp., Box 887, McPherson, Kans. 67460. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 113996 (Sub-No. 7 TA), filed February 17, 1969. Applicant: T. C. DUNLEVY, Post Office Box 325, Johnston, S.C. 29832. Applicant's representative: William Addams, Room 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used auto parts*, unpackaged, from Chesterton, Crown Point, East Chicago, East Gary, Elkhart, Hammond, Highland, Hobart, Knox, La Porte, Lowell, Michigan City, Munster Highland, North Judson, Portage, South Bend, and Whiting, Ind., Cassopolis, Mich., and points in Illinois to the Distribution Center N.A.P.A., 505 West 35th Street, Chicago, Ill., for 150 days. Supporting shipper: Rayloc, Division of Genuine Parts Co., 4200 Gordon Road SW., Atlanta, Ga. 30336. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 114632 (Sub-No. 16 TA), filed February 13, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps, Madison, S. Dak. 57042. Applicant's representative: Robert A. Applewick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or warehouse facilities of Rod Barnes Packing Co., Huron, S. Dak., to points in the Minneapolis-St. Paul, Minn., commercial zone, Austin, Minn., Milwaukee, Wis., commercial zone; Chicago, Ill., commercial zone; and Fargo, N. Dak., commercial zone, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912, K. O. Petrick, General Transportation Department. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 116325 (Sub-No. 60 TA), filed February 13, 1969. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, from Caruthersville, Mo., to Paragould, Ark., for 150 days. Supporting shipper: Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 118831 (Sub-No. 60 TA), filed February 17, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, Uwharrie Road 27263, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats and oils, and blends thereof*, from Charlotte, N.C., to Beckley, W. Va., for 180 days. Supporting shipper: Swift Edible Oil Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 118989 (Sub-No. 24 TA), filed February 18, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Robert G. Blazewick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from St. Louis, Mo., to Faribault, Minn., and Minneapolis-St. Paul, Minn., and points within a 5-mile radius of the Minneapolis-St. Paul commercial zone; and from Chicago, Ill., to Faribault, Minn. for 180 days. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Philadelphia, Pa. 19136. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123628 (Sub-No. 3 TA), filed February 17, 1969. Applicant: THEODORE GEORGE PAPPAS, doing business as TED PAPPAS & SONS, Gering, Nebr. 69341. Applicant's representative: Charles J. Kimball, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery used in the planting, cultivation, care, harvesting, sorting, grading, sacking, and warehousing of fruits, vegetables, and berries; seed cutters; unassembled metal boxes; street cleaners; beach cleaners;* and *related parts, equipment, materials and supplies used in connection with the above-described commodities*, (1) from the plantsites and storage facilities utilized by Lockwood Corp., at or near Gering, Nebr., to all points in the United States (except points in Alaska and Hawaii), and (2) Between Ruppert, Idaho, Othello, Wash., Antigo, Wis., Presque Isle, Maine, Monte Vista, Colo., Grand Forks, N. Dak. and Gering, Nebr., for 180 days. Restriction: Both parts restricted to traffic originating at or destined to facilities utilized by Lockwood Corp. Supporting shipper: Lockwood Corp., Gering, Nebr. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 124078 (Sub-No. 360 TA), filed February 12, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. 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: *Calcium phosphate*, dry, in bulk, in hopper-type vehicles, from Nashville, Tenn., to Kansas City, Kans., for 150 days. Supporting shipper: Stauffer Chemical Co., 299 Park Avenue, New York, N.Y. 10017 (C. M. Hinesley, Product Transportation Manager). Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124333 (Sub-No. 11 TA), filed February 13, 1969. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, for account of Paragon Oil Co., Division of Texaco, Inc., from Baltimore, Md., to Bridgeton, Carney's Point, Deepwater, Glassboro, Millville, and Vineland, N.J., and Bridgeville, Cheswold, Claymont, Dover, Elsmere, Frederica, Lewes, Kenton, Milford, Newark, New Castle, Seaford, Smyrna, Wilmington, and Yorklyn, Del., for 150 days. Supporting shipper: Paragon Oil Co., Division of Texaco, Inc., 12 South Street, Philadelphia, Pa. 19107, Paul C. Huelsenbeck, Assistant Area Manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 129 East Main Street, Salisbury, Md. 21801.

No. MC 124878 (Sub-No. 2 TA), filed February 17, 1969. Applicant: LAPADULA AIR FREIGHT TRANSFER, INC., 149-04 New York Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between MacArthur Airport, Islip, N.Y., McGuire Air Force Base, Wrightstown, N.J., and Dover Air Force Base, Dover, Del., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., and New York, N.Y., for 150 days. Restriction: The service authorized herein is restricted to shipments having an immediately prior

or immediately subsequent movement by air. Supporting shipper: MTMTS, Department of the Army, Washington, D.C. 20315. Send protest to: District Supervisor E. N. Carignan, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 126835 (Sub-No. 19 TA), filed February 17, 1969. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, Rural Route No. 2, West Harrison, Ind. 45030. Applicant's representatives: Schmidt, Effron, Josselson and Weber, Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies and crated caskets* in mixed loads with uncrated caskets from Columbus, Ohio, to Oakland and Los Angeles, Calif., for 180 days. Supporting shipper: Boyertown Burial Casket Co., 1675 South High Street, Columbus, Ohio 43207. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 128735 (Sub-No. 2 TA), filed February 12, 1969. Applicant: ALVIN E. GOLNIK, doing business as GOLNIK TRUCKING, 731 Second Avenue, Koppel, Pa. 16136. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper tubing and coils, precharged tubing, air cool coils, and cooling towers*, from Zelienople, Pa., to points in Minnesota, Wisconsin, Illinois, Michigan, Indiana, Iowa, Kentucky, Tennessee, West Virginia, Virginia, North Carolina, South Carolina, New Jersey, Delaware, Maryland, New York, Ohio, Massachusetts, Rhode Island, Connecticut, Vermont, Arkansas, Missouri, and the District of Columbia, under contracts with Halstead & Mitchell Co., and Halstead Metal Products, Inc., for 180 days. Supporting shippers: Halstead & Mitchell Co., West New Castle Street, Zelienople, Pa. 16063; and Halstead Metal Products, Inc., West New Castle Street, Zelienople, Pa. 16063. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128875 (Sub-No. 2 TA), filed February 18, 1969. Applicant: GERMA ENTERPRISES, INC., doing business as ARROW WAREHOUSE & TRANSFER, Industrial Street, Post Office Box 8942, South Lake Tahoe, Calif. 95705. Applicant's representative: Richard R. Hanna, Plaza Building, North Plaza Street, Carson City, Nev. 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, and household furnishings*, uncrated, from points and places in Los Angeles and Orange Counties, Calif., to points and places in Douglas, Ormsby, and Washoe Counties, Nev.; and *returned or traded-in articles of similar nature*, from points and places in named Nevada counties, to points and places in named California counties. Applicant intends to tack this authority if granted to that held in MC 128875 Sub No. 1; for 180 days. Supporting shippers: Dayton's Furniture, Post Office Box 917, Zephyr Cove, Nev. 89448; Gene Dumond Floor Covering, Post Office Box 182, Incline Village, Nev. 89450; Frank's Furnishings, 635 East Fourth Street, Reno, Nev. 89502; The Mart Warehouse, 1281 Comstock Drive, Reno, Nev. 89502; Bullis Furniture, Inc., 920 East Corbett Street, Carson City, Nev. 89701. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 128898 (Sub-No. 2 TA), filed February 17, 1969. Applicant: STANDARD TRANSPORTATION, INC., 2450 Wall Avenue, Ogden, Utah 84401. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Morgan, Utah, to points in California, Nevada, Oregon, Washington, Colorado, and Arizona, under a continuing contract with Four D West, Inc., for 180 days. Supporting shipper: Four D West, Inc., Post Office Box 488, Morgan, Utah 84050. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133337 (Sub-No. 2 TA), filed February 17, 1969. Applicant: B & H TRANSPORT COMPANY, 741 Rainbow Drive, Waterloo, Iowa 50704. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and storage facilities of Apple River Chemical Co., at or near East Dubuque and Niota, Ill., to points in Iowa, Illinois, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: Apple River Chemical Co., East Dubuque, Ill. 61025. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 133415 (Sub-No. 1 TA), filed February 12, 1969. Applicant: SID PLANAMENTA, doing business as S & R AUTO PARTS DELIVERY SERVICE, 913 McKinley Street, Peekskill, N.Y. 10566. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer and distributor of automobile parts, uncrated and crated, from shipper's warehouse at Fairview, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and *return shipments* of the *same commodities*, from points in Nassau, Suffolk, and Westchester Counties, N.Y., to shipper's warehouse at Fairview, N.J., for 150 days, under a continuing contract, or contracts, with the Maremont Marketing, Inc., of Fairview, N.J. Supporting shipper: Maremont Marketing, Inc., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133424 (Sub-No. 1 TA), filed February 17, 1969. Applicant: AARON COPE, doing business as AARON COPE TRUCKING COMPANY, 101 North Oakhill Drive, McMinnville, Tenn. 37110. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregate*, in bulk, in dump trailers, from Greenbrier, Tenn., to points in Kentucky, Indiana, and Illinois on and south of U.S. Highway 40, for 150 days. Supporting shipper: Michael L. McNally, Secretary-Treasurer, Tennlite, Inc., 1022 Nashville Trust Building, Nashville, Tenn. 37201. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133433 (Sub-No. 1 TA), filed February 18, 1969. Applicant: RAND TRANSFER, INC., 3051 Bartold Avenue, Maplewood, Mo. 63143. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing machine cards and paper articles*, printed or not printed, from Greencastle, Ind., to St. Louis, Mo., with authority to interline shipments destined beyond St. Louis, Mo., with other motor carriers at St. Louis, and *refused or rejected shipments* in the reverse direction, for 180 days. Supporting shipper: International Business Machines, Inc., Greencastle, Ind. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 133453 (Sub-No. 1 TA), filed February 17, 1969. Applicant: M. MILESTONE, Delaware Avenue and Jackson Street, Philadelphia, Pa. 19148. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, phosphated, other than alcoholic, in cans or bottles, between Philadelphia, Pa., and Linden and Bound Brook, N.J., and Baltimore, Md., for 180 days. Supporting shipper: Boulevard Beverage Co., 2000 Bennett Road, Philadelphia, Pa. 19116. Send protests to: District Supervisor Peter R. Guman, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133482 TA, filed February 17, 1969. Applicant: CAMPANELLA TRUCKING CORP., 161–163 Dikeman Street, Brooklyn, N.Y. 11231. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by an importer of housewares, for the account of Imperial International Corp., between points in the New York, N.Y., commercial zone as defined by the Commission in 49 CFR 1048.1, on the one hand, and, on the other, Hauppauge, N.Y., for 180 days. Supporting shipper: Imperial International Corp., 1776 Broadway, New York, N.Y. 10019.

No. MC 133484 TA, filed February 18, 1969. Applicant: W. E. HILL TRUCKING, INC., 2026 Gearhart Street, Duluth, Minn. 55811. Applicant's representative: Wayne E. Hill (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and smoked meats* via refrigerated railed trailers; (1) from Duluth, Minn., to all points in Wisconsin on and within the bounds of Highway 8 on the south, Highway 51 on the east and the Minnesota line on the west, and Lake Superior on the north and Ironwood, Bessemer, and Wakefield, Mich.; and (2) Duluth, Minn., to Pigeon River, Minn., for 180 days. Supporting shipper: Elliott Packing Co., Box 458, Duluth, Minn. 55801. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

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

[F.R. Doc. 69-2320; Filed, Feb. 25, 1969; 8:48 a.m.]

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