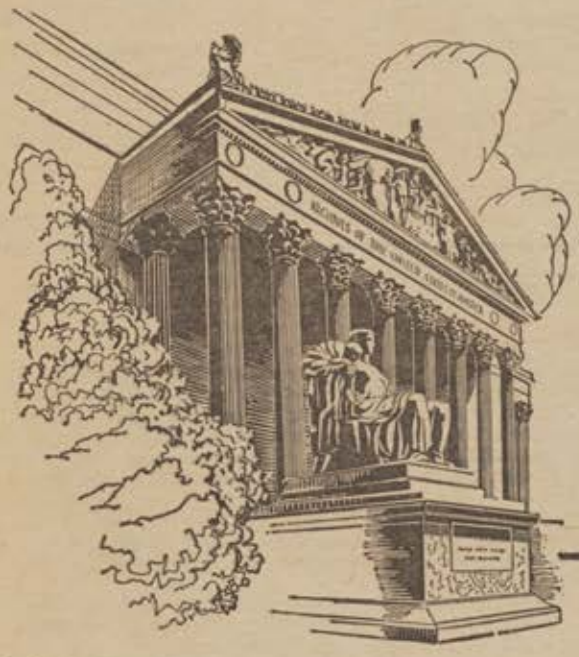
FEDERAL REGISTER

VOLUME 34 • NUMBER 44
Thursday, March 6, 1969 • Washington, D.C.
Pages 4875–4930

PART I
(Part II begins on page 4925)

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Contents

(Continued on next page)

List of CFR Parts Affected

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

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

7 CFR

318..... 4879
907 (2 documents)..... 4879
908..... 4880
1424..... 4880
1427..... 4882

PROPOSED RULES:

1202..... 4893

12 CFR

545..... 4884

PROPOSED RULES:

584..... 4895

14 CFR

39..... 4885
151..... 4885

PROPOSED RULES:

21..... 4893
36..... 4893
39..... 4894
71..... 4894

16 CFR

240..... 4926

17 CFR

231..... 4886

PROPOSED RULES:

240..... 4896

21 CFR

1..... 4886
121 (2 documents)..... 4887, 4888
320 (3 documents)..... 4888, 4889

28 CFR

0..... 4889

38 CFR

36..... 4889

41 CFR

5B–3 4890
9–1..... 4890
9–16..... 4890
9–53..... 4890

47 CFR

PROPOSED RULES:

73..... 4895

49 CFR

1048..... 4892

PROPOSED RULES:

1203..... 4897

50 CFR

28..... 4892
33..... 4892

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

APPENDIX B—LISTS OF ACTS REQUIRING PUBLICATION IN THE "FEDERAL REGISTER"

Appendix B is amended by adding thereto the list of acts enacted in 1968 requiring or authorizing the publication of documents in the FEDERAL REGISTER, as follows:

1968

Fair Housing	82 Stat. 89; 42 U.S.C. 3616.
Robert S. Kerr Center	82 Stat. 169; 16 U.S.C. 693b.
Firearms Control	82 Stat. 228, 233; 18 U.S.C. 921, 925.
Standard Reference Data	82 Stat. 340; 15 U.S.C. 290c.
Pisgah National Forest	82 Stat. 342; 16 U.S.C. 471f.
New Animal Drugs	82 Stat. 347; 21 U.S.C. 360b.
National Science Foundation	82 Stat. 363; 42 U.S.C. 1864.
Foreign Claims Settlement	82 Stat. 422, 423; 22 U.S.C. 1641c, 1641e.
Housing and Urban Development	82 Stat. 545; 12 U.S.C. 1716b note.
Badlands National Monument	82 Stat. 664; 16 U.S.C. 441l.
Gas Pipeline Safety Standards	82 Stat. 724; 49 U.S.C. 1674.
Poultry Products	82 Stat. 797; 21 U.S.C. 454.
Colorado River Basin	82 Stat. 900; 43 U.S.C. 1552.
Flaming Gorge Recreation Area	82 Stat. 904; 16 U.S.C. 460v–2.
National Wild and Scenic Rivers	82 Stat. 908, 910, 914; 16 U.S.C. 1274, 1275, 1278.
National Trails System	82 Stat. 922; 16 U.S.C. 1246.
Redwood National Park	82 Stat. 931; 16 U.S.C. 79b.
Higher Education	82 Stat. 1063; 20 U.S.C. 1001 note.
Foreign Assistance	82 Stat. 1140; 22 U.S.C. 2370 note.
Electronic Product Radiation	82 Stat. 1178; 42 U.S.C. 263f.
Firearms Control	82 Stat. 1216, 1225, 1236; 18 U.S.C. 921, 925; 26 U.S.C. 5801 note.
Federal Register Act	82 Stat. 1273; 44 U.S.C. 1501–1511.
International Coffee Agreement	82 Stat. 1349; 19 U.S.C. 1356j.

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

Subpart—Hawaiian Fruits and Vegetables

ADDITION OF CERTAIN VEGETABLES TO THE LIST OF FRUITS AND VEGETABLES WHICH MAY BE MOVED FROM HAWAII AFTER INSPECTION AND CERTIFICATION

Pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), § 318.13–2(b) of the regulations supplemental to the quarantine relating to the interstate movement of Hawaiian fruits and vegetables (7 CFR 318.13–2(b)) is hereby amended by inserting in the list of fruits and vegetables therein, in the proper alphabetical order, the items listed below:

§ 318.13–2 Regulated articles.

* * * * *

(b) * * *

Artichoke, globe (*Cynara scolymus*).
Beets (*Beta vulgaris*).
Mustard greens (*Brassica spp.*).
Turnips (*Brassica rapa*).

* * * * *

(Secs. 8, 9, 37 Stat. 318, as amended, 7 U.S.C. 161, 162; 29 F.R. 16210, as amended, 33 F.R. 15485)

The purpose of this amendment is to authorize the movement from Hawaii to other parts of the United States throughout the year of artichokes, beets, mustard greens, and turnips upon the basis of inspection and certification under the regulations. Presently, these vegetables are not eligible for such movement.

Commercial growers in Hawaii desire to ship these vegetables to the mainland markets. A review of scientific literature has shown that these vegetables would not present a risk of transporting dangerous plant pests to other parts of the United States if they are moved under the conditions provided by the amendment. The amendment relieves a restriction, and in order to be of maximum benefit to persons subject to the restriction, it should be made effective as promptly as possible.

Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of February 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–2703; Filed, Mar. 5, 1969; 8:48 a.m.]

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

[Navel Orange Reg. 171]

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

Limitation of Handling

Correction

In F.R. Doc. 69–2534 appearing at page 2650 in the issue for Thursday, February 27, 1969, the signature and title lines should read "Floyd F. Hedlund, *Director, Fruit and Vegetable Division, Consumer and Marketing Service.*"

[Navel Orange Reg. 172]

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

Limitation of Handling

§ 907.472 Navel Orange Regulation 172.

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

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

cient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 7, 1969, through March 13, 1969, are hereby fixed as follows:

(i) District 1: 825,000 cartons;

(ii) District 2: 275,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: March 5, 1969.

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

[F.R. Doc. 69-2839; Filed, Mar. 5, 1969; 11:41 a.m.]

[Valencia Orange Reg. 264]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.564 Valencia Orange Regulation 264.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 7, 1969, through March 13, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 247,550 cartons.

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

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

Dated: March 5, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2840; Filed, Mar. 5, 1969; 12:13 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1424—BULK OILS

Subpart—Standards for Approval of Bulk Oil Warehouses

The regulations appearing in this subpart which were published on January 5, 1967 (32 F.R. 43) and amended October 11, 1967 (32 F.R. 14099) are revised to read as follows:

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1424.1 General statement and administration.

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval of his warehouse(s) by Commodity Credit Corporation (hereinafter called "CCC") for the storage and handling, under a storage agreement with CCC, of bulk oil which is owned by CCC or held by CCC as security for price support loans. This subpart also prescribes the procedure to be followed by a warehouseman in obtaining such approval. This subpart is not applicable to bulk oil purchased in storage for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the applicable CCC storage contract and other forms required to obtain approval under this subpart may be obtained from the following offices: (1) For cottonseed oil and castor oil, from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112; (2) for tung oil, from the National Tung Oil Marketing Cooperative, Inc., Post Office Box 73, Poplarville, Miss. 39470, or the Producer Associations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250; and (3) for linseed oil and oil other than cottonseed oil, castor oil, and tung oil, from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue, South Minneapolis, Minn. 55410.

(c) A warehouse must be approved by CCC and a storage contract must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage contract does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. De-

partment of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the appropriate office designated in paragraph (b) of this section:

(1) A completed Form CCC-513, "Application for Approval of Tank Farm".

(2) A current financial statement on Form TW-51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of the date not earlier than ninety (90) days prior to the date of the warehouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Evidence that he is licensed by the appropriate licensing authority as required under § 1424.2(b)(2) and such other documents or information as CCC may require.

§ 1424.2 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, for the storage and handling of bulk oil under CCC programs shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, Part 1407 of this chapter, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing bulk oil for hire. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license is required by State of local laws or regulations.

(3) Have a net worth equal at least to four (4) percent of the value of the estimated quantity of the bulk oil to be stored, as determined by CCC, but in no event less than $10,000. If the required minimum net worth exceeds $10,000, the warehouseman may satisfy any deficiency in net worth between the $10,000 and such required minimum net worth by furnishing an acceptable performance bond or other security acceptable to CCC.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage contract with CCC.

(6) Provide CCC such bonds (or acceptable substitute security) as are required under § 1424.3.

(7) Maintain complete inventory and operating records.

(8) Use only warehouse receipts prescribed by CCC.

(c) (1) The warehouseman, his officials, or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to bulk oil to enable them to provide proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operation shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequate to handle, store, and preserve bulk oil.

(2) Be under the control at all times of the contracting warehouseman.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate firefighting equipment for the type of warehouse and commodity involved.

(5) Be located on a railroad or waterway or have access to suitable rail or water loadout points.

(6) Have a work force and equipment available to complete the loadout within approximately seventy-five (75) working days of that quantity of bulk oil for which the warehouse is or may be approved by CCC.

§ 1424.3 Bonding requirements.

(a) Except as otherwise provided in this subpart, an applicant for a bulk oil storage contract shall, at his expense, furnish a performance bond to CCC. Such bond shall be executed by a surety company which: (1) Has been approved by the U.S. Treasury Department, and (2) maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) A bond furnished by a warehouseman shall be on Form CCC-61, "Warehouseman's Bond—Processed Commodities", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if: (1) CCC determines that it provides adequate protection to CCC, (2) it has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and (3) it is noncancellable for not less than one hundred twenty (120) days or includes a rider providing for not less than one hundred twenty (120) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverge on other warehouses operated by a warehouseman.

(c) Exclusive of any added coverage for a deficieniy in net worth, the amount of bond to be furnished for each warehouse shall be not less than five (5) percent of the value of the estimated quantity of bulk oil to be stored in such warehouse, as determined by CCC. If a warehouseman applies for approval under the same storage contract of more than one warehouse in the same State, and if the performance bond coverage is for all such warehouses, the value of the estimated quantity of bulk oil to be stored in all such warehouses, as determined by CCC, shall be considered as one warehouse in determining bond requirements. Bond coverage for each warehouse (whether or not such warehouse is consolidated with other warehouses for purposes of bond determination) shall not be less than $5,000. Maximum bond coverage, exclusive of any added coverage for a deficiency in net worth, need not exceed $100,000 for any warehouse (or chain of warehouses operated by the same warehouseman within the same State)

(d) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage contract.

(e) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

(f) Notwithstanding any other provision of this subpart, CCC may, after considering all the circumstances relating to the operations of the warehouse and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, require more bond coverage than specified in this section.

§ 1424.4 Examination of warehouses.

A warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage or handling of bulk oil and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1424.5 Exceptions.

Notwithstanding any other provision of this subpart:

(a) A blanket insurance policy or blanket bond acquired by CCC, which protects CCC for failure of various warehousemen to perform their obligations under their storage contract with CCC, may satisfy in full or in part the bonding requirements (other than bonds for a deficiency in net worth) prescribed in § 1424.3. (As of the publication date of this subpart, CCC has a blanket insurance policy which satisfies such requirements for warehousemen operating under a Uniform Grain Storage Agreement, a Uniform Rice Storage Agreement, or a Bean Storage Agreement.) The existence of any such blanket insurance policy or blanket bond will not relieve a warehouseman from carrying any bond required by State or local law or supervisory agency.

(b) A Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1424.2(b)(1), (3), and (4), (c)(1), and (d), and the warehouseman will not be required to furnish bond coverage for a deficiency in net worth.

(c) A warehouseman who has a net worth of at least $10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for bulk oil, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as CCC determines necessary to protect adequately its interests.

§ 1424.6 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of responsibility for performing his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage contract expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the CCC storage contract.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1424.2(a), CCC will approve, or reinstate approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for suspension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1424.2, other than the standard in paragraph (a) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director of the applicable office designated in § 1424.1(b), orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, 7 CFR Part 780. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1424.2(a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, 7 CFR Part 1407. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1424.7 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for bulk oil under CCC programs the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC.

Effective date: This revision is effective on the date of publication in the FEDERAL REGISTER. Warehousemen approved under prior regulations are not required to submit new applications for approval under this revision but are subject to the provisions of this subpart for continued approval to handle and store bulk oil.

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

LIONEL C. HOLM,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-2720; Filed, Mar 5, 1969; 8:50 a.m.]

PART 1427—COTTON

Subpart—Standards for Approval of Warehouses for Cotton or Cotton Linters

The regulations appearing in this subpart, which were published on August 5, 1965 (30 F.R. 9759) and amended on November 9, 1965 (30 F.R. 14100), are revised to read as follows:

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1427.1081 General statement and administration.

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval by Commodity Credit Corporation (hereinafter referred to as "CCC") of his warehouse(s) for the storage and handling, under CCC storage agreements, of cotton and cotton linters which are owned by CCC or held by CCC as security for price support loans. This subpart also prescribes the procedure to be followed by a warehouseman in obtaining such approval. This subpart is not applicable to cotton or cotton linters purchased in storage for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the applicable storage agreement and other forms required to obtain approval under this subpart may be obtained from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112 (hereinafter referred to as the "New Orleans Office").

(c) A warehouse must be approved by the New Orleans Office and a storage agreement must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage agreement does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the New Orleans Office:

(1) A completed Form CCC-49, "Application for Approval of Warehouse for Storage of Cotton and/or Cotton Linters."

(2) A current financial statement on Form TW-51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Copies of his tariff and a sample copy of his warehouse receipts and bale tags.

(4) Evidence of applicable fire insurance rates.

(5) Evidence that he is licensed by the appropriate licensing authority as required under § 1427.1082(b)(2) and such other documents or information as CCC may require.

§ 1427.1082 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, for the storage and handling of cotton or cotton linters under CCC programs shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, Part 1407 of this chapter, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing for hire the commodity involved. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license is required by State or local laws or regulations.

(3) Have a net worth equal at least to the product obtained by multiplying the maximum storage capacity of the warehouse (the total number of bales of cotton or cotton linters which the warehouse can accommodate when stored in the customary manner) times five (5) dollars per bale, except that the net worth shall be not less than $10,000 and need not be more than $100,000. If the required minimum net worth exceeds $10,000, the warehouseman may satisfy any deficiency in net worth between the $10,000 and such required minimum net worth by furnishing an acceptable performance bond or other security acceptable to CCC.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage agreement with CCC.

(6) Provide such bonds (or acceptable substitute security) as are required under § 1427.1083.

(7) Maintain complete inventory and operating records.

(c)(1) The warehouseman, his officials, or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to the commodities involved to enable them to provide proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operation shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequate to handle, store, and preserve the commodity involved.

(2) Be under the control at all times of the contracting warehouseman.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate firefighting equipment for the type of warehouse and commodity involved.

(5) Have a work force and equipment available to provide adequate storage and handling service.

§ 1427.1083 Bonding requirements.

(a) Except as otherwise provided in this subpart, an applicant for a cotton or cotton linters storage agreement shall, at his expense, furnish a performance bond to CCC. Such bond shall be executed by a surety company which: (1) Has been approved by the U.S. Treasury Department and (2) maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) A bond furnished by a warehouseman shall be on Form CCC-54, "Warehouseman's Bond", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if: (1) CCC determines that it provides adequate protection to CCC, (2) it has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and (3) it is noncancellable for not less than ninety (90) days or includes a rider providing for not less than ninety (90) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses operated by a warehouseman.

(c) Exclusive of any added coverage for a deficiency in net worth, the amount of bond to be furnished for each warehouse will be the product obtained by multiplying the maximum storage capacity of the warehouse times five (5) dollars per bale. If a warehouseman applies for approval of more than one warehouse in the same State, and if the performance bond coverage is for all such warehouses, the total storage capacity of all such warehouses shall be considered as one warehouse in determining bond requirements. Bond coverage for each warehouse (whether or not such warehouse is consolidated with other warehouses for purpose of bond determination) shall not be less than $5,000. Maximum bond coverage, exclusive of any added coverage for a deficiency in net worth, need not exceed $100,000 for any warehouse (or chain of warehouses operated by the same warehouseman within the same State).

(d) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalnt amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage agreement.

(e) A legal liability insurance policy may be acceptd by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

(f) If the New Orleans Office determines it to be necessary, limited availability of space may be agreed upon by CCC and the warehouseman. In such case, the amount of the bond shall be calculated upon the basis of the capacity agreed upon rather than the total capacity of the warehouse. If additional capacity is later agreed to, the amount of the bond shall be adjusted promptly to cover such additional capacity.

(g) Notwithstanding any other provision of this subpart, CCC may, after considering all the circumstances relating to the operations of the warehouse, and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, require more bond coverage than specified in this section.

§ 1427.1084 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage

and handling of cotton or cotton linters and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1427.1085 Exceptions.

Notwithstanding any other provision of this subpart:

(a) The financial, bond, warehouse receipt and bale tag, and original and periodic warehouse examination provisions of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if his warehouse is licensed under the U.S. Warehouse Act for such commodity but a special examination shall be made of such warehouse whenever such action is determined necessary.

(b) The bond requirements, and, at the discretion of the New Orleans Office, the financial, warehouse receipt, and bale tag requirements, of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if his warehouse is operated by the State of South Carolina Department of Agriculture.

(c) A blanket insurance policy or blanket bond acquired by CCC, which protects CCC for failure of various warehousemen to perform their obligations under their storage agreements with CCC, may satisfy in full or in part the bonding requirements (other than bonds for a deficiency in net worth) prescribed in § 1427.1083. (As of the publication date of this subpart, CCC has a blanket insurance policy which satisfies such requirements for warehousemen operating under a Uniform Grain Storage Agreement, a Uniform Rice Storage Agreement, or a Bean Storage Agreement.) The existence of any such blanket insurance policy or blanket bond will not relieve a warehouseman from carrying any bond required by State or local law or supervisory agency.

(d) A Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1427.1082(b)(1), (3), and (4), (c)(1), and (d), and the warehouseman will not be required to furnish bond coverage for deficiency in net worth.

(e) A warehouseman who has a net worth of at least $10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the commodity involved, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as CCC determines necessary to protect adequately its interests.

§ 1427.1086 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of responsibility for performing his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage agreement expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the CCC storage agreement.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1427.1082(a), CCC will approve, or reinstate approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for suspension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1427.1082, other than the standard in paragraph (a) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director of the New Orleans Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, Part 780 of Chapter VII of this title. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1427.1082(a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, Part 1407 of this chapter. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1427.1087 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for cotton or cotton linters under CCC programs, the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satifactorily the interests of CCC.

Effective date: This revision is effective on the date of publication in the FEDERAL REGISTER. Warehousemen approved under prior regulations are not required to submit new applications for approval under this revision but are subject to the provisions of this subpart for continued approval to handle and store the commodities involved.

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

LIONEL C. HOLM,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-2721; Filed, Mar. 5, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,615]

PART 545—OPERATIONS

Educational Loans

FEBRUARY 27, 1969.

Resolved, That, notice and public procedure having been duly afforded (34 F.R. 324) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to implement section 118(b) of the Higher Education Amendments of 1968 (Public Law 90-575, approved Oct. 16, 1968) to authorize Federal savings and loan associations to make loans which assist students in obtaining vocational education;

Resolved further, That the Federal Home Loan Bank Board determines that it is advisable to amend § 545.8-1 of the rules and regualtions for the Federal Savings and Loan System (12 CFR 545.8-1) by deleting the requirement therein that a student be a full-time student any by expanding the definition of the term "college or university education" to include postgraduate education;

Resolved further, That, to effect the above determinations, the Federal Home Loan Bank Board hereby amends § 545.8–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8–1) to read as follows, effective March 7, 1969:

§ 545.8–1 Educational loans.

Any Federal association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to in this section as "loans") made for the payment of expenses of college or university education, or expenses of vocational education, but no Federal association shall make any investment in loans under this section if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 percent of its assets. Such loans may be secured, partly secured, or unsecured, and the association may require a comaker or comakers, insurance, guaranty under a governmental student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a student solely for the payment of expenses of college or university education, or expenses of vocational education. For the purpose of this section, the term "college or university education" means education at an institution which 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, and the term "vocational education" means any course of study or training designed to increase the ability of a person to obtain or advance in employment of any kind.

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

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–2727; Filed, Mar. 5, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9321; Amdt. 39–730]

PART 39—AIRWORTHINESS DIRECTIVES

Schleicher Model ASK–13 Gliders, Serial Nos. 13000 Through 13104, 13108, 13109, Except Serial Nos. 13071 and 13096

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring replacement of the buffer plate on the left and right landing gear with a larger buffer plate on Schleicher Model ASK–13 gliders, Serial Nos. 13000 through 13104, 13108, 13109, except Serial Nos. 13071 and 13096, was published in 34 F.R. 14.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHLEICHER. Applies to Schleicher Model ASK–13 gliders, Serial Nos. 13000 through 13104, 13108, 13109, except Serial Nos. 13071 and 13096.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the landing gear end buffer plate from slipping inside the rubber buffer, replace the 2.76-inch diameter buffer plate located on the left and right landing gear with a 3.55-inch diameter buffer plate, in accordance with Schleicher Modification No. 3, dated September 4, 1968, or later LBA-approved issue or an FAA-approved equivalent.

This amendment becomes effective April 5, 1969.

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

Issued in Washington, D.C., on February 27, 1969.

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

[F.R. Doc. 69–2697; Filed, Mar. 5, 1969; 8:48 a.m.]

[Docket No. 9195; Amdt. No. 151–31]

PART 151—FEDERAL AID TO AIRPORTS

Performance of Construction Work; General Requirements

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to require sponsors to provide, with respect to airport construction work, evidence of satisfactory engineering and construction supervision and inspection. The amendment, therefore, would require a sponsor to advise the Area Manager in writing prior to the commencement of construction work that such supervision and inspection have been arranged, and that the qualifications of personnel performing the supervision and inspection have been reviewed and have been found satisfactory. This amendment was proposed in Notice No. 68–25 issued on October 10, 1968 (33 F.R. 15435).

Several favorable public comments were received on this proposal. One comment, however, suggested that, once a sponsor has established that it possesses satisfactory engineering and construction supervision and inspection, it should not be required to do so again unless a change occurs. In recognition of the validity of this comment, this amendment will authorize the Area Manager to dispense with the notification requirement where the sponsor has previously demonstrated that it possesses the required organization, procedures, and personnel.

This amendment will involve a revision of § 151.45 by the addition of a new paragraph (f), and a revision of § 151.51(a)(3) to insure that the same supervision and inspection standards are also applied to construction work-force accounts. Finally, the heading of § 151.51 will be revised to include the word "sponsor" before the word "force" and so to distinguish between force account work performed by the sponsor and that performed by a contractor.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is hereby amended as follows, effective April 20, 1969:

1. By adding a new paragraph (f) to § 151.45 to read as follows:

§ 151.45 Performance of construction work: general requirements.

* * * * *

(f) Except when the Area Manager determines that the sponsor has previously demonstrated satisfactory engineering and construction supervision and inspection, no sponsor may allow a contractor or subcontractor to begin work, nor may the sponsor begin force account work, until the sponsor has notified the Area Manager in writing that engineering and construction supervision and inspection have been arranged to insure that construction will conform to FAA approved plans and specifications, and that the sponsor has caused a review to be made of the qualifications of personnel who will be performing such supervision and inspection and is satisfied that they are qualified to do so.

2. By amending the section heading of § 151.51 and § 151.51(a)(3) to read as follows:

§ 151.51 Performance of construction work: sponsor force account.

(a) * * *

(3) Assurance that adequate labor, material, equipment, engineering personnel, as well as supervisory and inspection personnel as required by § 151.45(f), will be provided; and

* * * * *

(Federal Airport Act, as amended; 49 U.S.C. 1101–1120, section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c), and 1.4(b) of the Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on February 27, 1969.

D. D. THOMAS, *Acting Administrator.*

[F.R. Doc. 69–2696; Filed, Mar. 5, 1969; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4950]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

General Requirements for Certified Financial Statements of Companies Acquired or To Be Acquired

The increasing number of business acquisitions has led to numerous requests for relief from the requirements for certification of financial statements of the acquired businesses on the representation that it is impossible to obtain certification. When an acquiring company plans to register securities under the Securities Act the necessity for furnishing financial statements for the new business must be considered by it. Item 27 of Schedule A of the Securities Act of 1933 and Instructions 11 and 12 to Form S-1 (17 CFR 239.11) for registration under the Act require certified financial statements for a company acquired or to be acquired. Instruction 13 of Form S-1 permits the Commission to grant relief from this requirement of certification where such relief is consistent with the protection of investors. Generally, relief has been requested because no independent certified public accountant has observed the taking of inventory of the acquired company necessary for certification of financial statements for 3 years and alternative methods of verfication were not available.

When a representation is made that certification of financial statements of acquired companies for a full 3-year period cannot be obtained and compelling and satisfactory evidence in support of such representation is furnished, the Commission considers the relationship of the following items of the acquired companies to those of the registrant (on a consolidated basis without inclusion of such companies) in determining whether relief from the 3-year certification requirement should be granted:

1. Gross sales and operating revenues;
2. Net income;
3. Total assets;
4. Total stockholder equity; and
5. Total purchase price compared to total assets of registrant.

The above items will be evaluated as follows:

A. If none of the items exceed 10 percent, certified statements will not be required;

B. If any of the items exceed 10 percent but none exceed 25 percent, certification of the balance sheet and the income statement for not less than 6 months will be required;

C. If any of the items exceed 25 percent but none exceed 45 percent, certification of the balance sheet and the income statement for at least 12 months will be required.

In connection with any request for relief from the 3-year certification requirement the items of information mentioned above should be furnished in tabular form, comparing the five items set forth therein of the acquired companies (individually and in the aggregate) with the registrant on a consolidated basis (without the acquired companies), with dates of acquisition and other pertinent data. To the extent any of the data is not based on audit reports, the basis or lack of basis for reliance on the data should be fully stated (including the nature and method of checking the accuracy of the underlying figures).

Income statements for periods not certified shall not be combined with the certified statements if to do so would result in a qualification by the auditors on grounds of materiality.

NOTE. This release does not apply to the financial statements of a company to be acquired where the securities to be registered are to be offered to the security holders of that company in exchange for their securities. In such a case certified financial statements of that company shall be furnished in accordance with the requirements of the applicable registration form.

By the Commission, February 20, 1969.

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

[F.R. Doc. 69-2684; Filed, Mar. 5, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Label Statements for Drugs, Devices, and Cosmetics; Ruling on Objections

In the matter of amending the enforcement regulations (21 CFR Part 1) to prescribe the requirements under the Fair Packaging and Labeling Act (Public Law 98-755) regarding label statements for drugs, devices, and cosmetics in package form:

The proposal in this matter was published in the FEDERAL REGISTER of August 22, 1967 (32 F.R. 12060). After consideration of the many comments received, the Commissioner of Food and Drugs published an order January 11, 1968 (33 F.R. 404), which in accordance with section 701(e) of the Federal Food, Drug, and Cosmetic Act provided for the filing within 30 days of objections and requests for a public hearing. Communications were received from 25 firms and trade associations in response to the order either expressing objections, offering comments, or asking questions. Some of these communications contained requests for a public hearing on the issues which were the subject of the objection.

After an evaluation of the objections, the Commissioner concluded that they were of sufficient validity to warrant revisions and editorial changes for clarification. The order of January 11, 1968 (33 F.R. 404), was therefore canceled and a new final order was published June 28, 1968 (33 F.R. 9481), which ruled on the objections, made clarifying revisions, and set as the effective date July 1, 1969.

In the allotted period following publication of the order, objections coupled with requests for a public hearing were received from one firm and one trade association. A comment in favor of the order, on behalf of the States, was submitted by the Chairman, Committee on Liaison with the National Government, National Conference of Weights and Measures.

The Commissioner has evaluated the objections received and concludes as follows:

1. The American Hospital Supply Corp. objected to failure of §§ 1.101a, 1.102a, and 1.102d to specifically categorize, identify, and provide guidance in the labeling of commodities described as "professional drugs and devices." The objection emphasizes that the terms "professional drugs and/or devices" encompasses a broad line of highly specialized and technical products designed for preoperative and postoperative patient care; for example, wound and body cavity irrigants, diagnostic reagents, specialized antiseptics, etc. These products are designed for use in hospitals, nursing homes, clinics, and institutions by physicians, surgeons, medical technologists, etc., and are not intended for use by laymen. Since such products are not regarded as "consumer commodities" within the meaning of the Fair Packaging and Labeling Act, a specific exclusion of these products from the Fair Packaging and Labeling Act regulations is unnecessary and a public hearing on the matter is unwarranted.

The objection also contends that the examples used in § 1.102d(a)(2) are improper and confusing in that they include products which are not ordinarily subject to the Fair Packaging and Labeling Act. The Commissioner considers the contention to be reasonable and the section is revised accordingly.

2. The Toilet Goods Association objected to § 1.202b(i) insofar as it requires packages of cosmetics having a principal display panel with an area of more than 5 square inches, but not more than 10 square inches, to present the quantity of contents declaration in type not less than one-eighth inch in height.

The grounds of the objection were that under usual conditions of display a person with normal vision cannot read the net weight declaration on a package of this size without lifting the package close to the eyes—thus no rational need exists for type larger than one-sixteenth inch on these packages, and that to require larger type disadvantages the consumer and the cosmetic producer by creating a

distortion on the label between the quantity of contents declaration and other label information. It is claimed that the smaller type size on cosmetic packages where the area of the principal display panel is more than 5 square inches, but not more than 10 square inches, would enable cosmetic manufacturers to utilize labels which would best enable consumers to observe the quantity of contents statements and to facilitate value comparisons.

The Fair Packaging and Labeling Act requires that these regulations provide for a quantity of contents statement which shall appear in conspicuous and easily legible type, in letters or numerals of a type size established in relation to the area of the principal display panel, and which shall be uniform for all packages of substantially the same size.

The requirements objected to are now in effect for packages of foods, are by this order being conformed for drugs and devices, and will also become effective on July 1, 1969, for interstate shipments of consumer commodities under the jurisdiction of the Federal Trade Commission. No reasonable grounds have been presented for changing these requirements or for making a special exception for cosmetic products. The very smallest type size was prescribed for the smallest size packages, and the Toilet Goods Association's assertions that purchasers would benefit from small type on more packages are insubstantial, not warranting a hearing on whether the cosmetic purchaser should be expected to pick up the package to read the label, or whether some labels might be designed with 1/16-inch type and other features to provide a readable label under such circumstances of consumer purchasing. The uniformity in type size for packages of essentially the same size would not be achieved if this major exception were made for cosmetic preparations. This is without prejudice to requests for exemptions for particular cosmetic commodities under section 5(b) of the Fair Packaging and Labeling Act.

Therefore, the Commissioner finds that none of the objections received during the statutory period warrant a stay of the effective date of the subject order or the holding of a public hearing and hereby announces that the regulations as published in the FEDERAL REGISTER of June 28, 1968 (33 F.R. 9481), including the clarifying changes hereinafter set forth, are final.

Since firms were unable to complete label revisions while the validity of these objections was being studied, the Commissioner concludes that additional time will be needed by industry and therefore the effective date shall be December 31, 1969.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455) and the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502 (b), (c), (e), 602 (b), (c), 701, 52 Stat. 1050, as amended, 1054, 1055, as amended; 21 U.S.C. 352 (b), (c), (e), 362 (b), (c), 371), and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 1, as amended by the order of June 28, 1968 (33 F.R. 9481), be further amended by revising in § 1.102d the introductory text of paragraph (a) and subparagraph (2) of that paragraph to read as follows:

§ 1.102d Over-the-counter drugs and devices in package form; labeling regarding declaration of net quantity of contents.

(a) The label of an over-the-counter drug or device in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination or numerical count and weight, measure, or size. The statement of quantity of drugs in tablet, capsule, ampule, or other unit form and the quantity of devices shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semisolid, or viscous, or in terms of fluid measure if the drug is liquid. The drug quantity statement shall be augmented when necessary to give accurate information as to the strength of such drug in the package; for example, to differentiate between several strengths of the same drug "100 tablets, 5 grains each" or "100 capsules, 125 milligrams each" or "100 capsules, 250 milligrams each": *Provided*, That:

* * * * *

(2) If the declaration of contents for a device by numerical count does not give accurate information as to the quantity of the device in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or of the total weight, measure, or size of the device as will give such information; for example, "100 tongue depressors, adult size," "1 rectal syringe, adult size," etc. Whenever the Commissioner determines for a specific packaged drug or device that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such article.

* * * * *

Effective date. The order amending Part 1 in the FEDERAL REGISTER of June 28, 1968 (33 F.R. 9481), as amended by this order, shall become effective December 31, 1969.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455; secs. 502 (b), (c), (e), 602 (b), (c), 701, 52 Stat. 1050, as amended, 1054, 1055, as amended; 21 U.S.C. 352 (b), (c), (e), 362 (b), (c), 371)

Dated: February 27, 1969.

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

[F.R. Doc. 69-2671; Filed, Mar. 5, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FERMENTATION-DERIVED, MILK-CLOTTING ENZYME

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2366) filed by Meito Sangyo Co., Ltd., 41 Sasazuka 2-Chome, Nishiku Nagoya, Japan, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use in cheese production of a milk-clotting enzyme derived from *Mucor pusillus* Lindt by a pure-culture fermentation process. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1199(a) is amended by adding thereto a new subparagraph, as follows:

§ 121.1199 Fermentation-derived, milk-clotting enzyme.

* * * * *

(a) * * *

(3) *Mucor pusillus* Lindt classified as follows: Class, Phycomycetes; subclass, Zygomycetes; order, Mucorales; family, Mucoraceae; genus, *Mucor;* species, *pusillus;* variety, Lindt.

* * * * *

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

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

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

Dated: February 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2670; Filed, Mar. 5, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

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

OCTYLTIN STABILIZERS IN POLYVINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2343) filed by M&T Chemicals, Inc., Rahway, N.J. 07065, and other relevant material, concludes that § 121.2602 should be amended to provide for the safe use of octyltin stabilizers in polyvinyl chloride plastic articles that contact dairy products and modifications except liquid milk. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2602 is amended by revising its introductory text to read as follows:

§ 121.2602 Octyltin stabilizers in polyvinyl chloride plastics.

The octyltin chemicals identified in paragraph (a) of this section may be safely used alone or in combination, at levels not to exceed a total of 3 parts per hundred of resin, as stabilizers in polyvinyl chloride plastic articles intended for use in contact with foods of types I, II, III, IV (except liquid milk), V, VI (except malt beverages and carbonated nonalcoholic beverages), VII, VIII, and IX as described in table 1 of § 121.2526(c), in accordance with the following prescribed conditions:

* * * * *

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

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

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

Dated: February 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2672; Filed, Mar. 5, 1969; 8:45 a.m.]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Methylphenidate and Its Salts as Subject to Control

In the matter of listing methylphenidate and its salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their stimulant effect on the central nervous system.

No comments were received on the proposal in the above identified matter published in the FEDERAL REGISTER of January 24, 1969 (34 F.R. 1168), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200), § 320.3 (c)(2) is amended by inserting the following:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * *

(c) * * *

(2) Stimulant effect on the central nervous system:

Established name	*Some trade and other names*
* * *	* * *
Methylphenidate and its salts.	Methyl a-Phenyl-2-piperidine acetate; a-Phenyl-2-piperidine acetic acid methyl-ester; a-Phenyl-a-(2-piperidyl) acetic acid methyl ester; Methyl a-Phenyl-a-(2-piperidyl) acetate; Methylphenidyl Acetate; Ritalin (R) hydrochloride; Ritalin; Phenidylate; 4311/b; Centedrin; c 43-IIC; Meridil.
* * *	* * *

* * * * *

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 Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 Eye Street NW., Washington, D.C. 20537, written objections thereto. 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 objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-2681; Filed Mar. 5, 1969; 8:46 a.m.]

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Phencyclidine and Its Salts as Subject to Control

In the matter of listing phencyclidine and its salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their hallucinogenic effect.

No comments were received on the proposal in the above identified matter published in the FEDERAL REGISTER of January 29, 1969 (34 F.R. 1400), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200), § 320.3 (c)(3) is amended by alphabetically inserting in the list of drugs, new items, as follows:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * *

(c) * * *

(3) Hallucinogenic effect.

Established name	*Some trade and other names*
* * *	* * *
Phencyclidine and its salts.	1-(1-Phenylcyclohexyl) Piperidine; Sernyl; Sernylan; GP-121; CI-395; PCP: "Peace Pill."
* * *	* * *

* * * * *

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 Chief Counsel, Bureau of

Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 Eye Street NW., Washington, D.C. 20537, written objections thereto. 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 objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-2682; Filed, Mar. 5, 1969; 8:46 a.m.]

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Phencyclidine and Its Salts as Subject to Control

In the matter of listing phencyclidine and its salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their depressant effect on the central nervous system:

No comments were received on the proposal in the above identified matter published in the FEDERAL REGISTER of January 29, 1969 (34 F.R. 1400) and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200), Section 320.3(c)(1) is amended by alphabetically inserting in the list of drugs a new item as follows:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * * *

(c) * * *

(1) Depressant effect on the central nervous system:

Established name	*Some trade and other names*
* * *	* * *
Phencyclidine and its salts.	1-(1-Phenycyclohexy) Piperidine; Sernyl; Sernylan; GP-121; CI-395; PCP; "Peace Pill."
* * *	* * *

* * * * *

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 Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 Eye Street NW., Washington, D.C. 20537, written objections thereto. 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 objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-2683; Filed, Mar. 5, 1969; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive No. 11]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart AA—Bureau of Narcotics and Dangerous Drugs

ABSENCE, INABILITY OR DISQUALIFICATION OF DIRECTOR

By virtue of the authority vested in me by § 0.133 of Title 28, Code of Federal Regulations, I hereby direct that in the case of my inability or disqualification to act in the office of Director, all duties and functions shall be performed by the Associate Director for Regulatory and Scientific Programs, or in his absence, by the following officials in the order listed:

1. Assistant Director for Criminal Investigations.

2. Assistant Director for Science and Education.

In the event of my temporary absence, either the Associate Director or one of the listed Assistant Directors will be designated on each separate occasion to act in my stead.

Dated: March 1, 1969.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 69-2680; Filed, Mar. 5, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Reporting Requirements

In § 36.4303, paragraph (j) is added to read as follows:

§ 36.4303 Reporting requirements.

* * * * *

(j) No guaranty or insurance commitment or evidence of guaranty or insurance will be issuable in respect to any loan to finance a contract which:

(1) Is for the purchase, construction, repair, alteration, or improvement of a dwelling or farm residence;

(2) Is dated on or after June 4, 1969;

(3) Provides for a purchase price or cost to the veteran in excess of the reasonable value established by the Administrator; and

(4) Was signed by the veteran prior to his receiving notice of such reasonable value;

unless such contract includes, or is amended to include, a provision substantially as follows:

It is expressly agreed that, notwithstanding any other provisions of this contract, the purchaser shall not incur any penalty by forfeiture of earnest money or otherwise or be obligated to complete the purchase of the property described herein, if the contract purchase price or cost exceeds the reasonable value of the property established by the Veterans Administration. The purchaser shall, however, have the privilege and option of proceeding with the consummation of this contract without regard to the amount of the reasonable value established by the Veterans Administration.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective 90 days after publication in the FEDERAL REGISTER.

Approved: March 3, 1969.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 69-2729; Filed, Mar. 5, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–3—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendment

Part 5B–3, Procurement by Negotiation, is amended as follows:

The table of contents for Part 5B–3 is amended to add the following entries:

Sec.
5B–3.805–1 General.
5B–3.805–2 Selection of architect-engineers.

Subpart 5B–3.8—Price Negotiation Policies and Techniques

Section 5B–3.805 is revised to read as follows:

§ 5B–3.805 Selection of offerors for negotiation and award.

§ 5B–3.805–1 General.

(a) Generally (except as to architect-engineers), and pursuant to the requirements of § 1–3.101(c), offers shall be solicited from three or more contractors. The project file shall be documented to show the qualifications and other factors which form the basis for the selection of contractors to be solicited. Consideration should be given first to qualified firms located in or near the vicinity of the project. Where contractors have previously performed Government contracts, the manner of performance shall be considered. The foregoing statements, however, shall not be construed to limit the selection to local contractors or to firms previously having performed Government contracts. Determinations of responsibility shall be made in accordance with § 1–1.310.

(b) In exceptional cases (e.g., where only one firm has the security clearance required for performance and the project cannot be delayed pending clearance of other firms) it may be necessary or advisable to select only one contractor. In such cases, the basis for the decision shall be fully documented.

§ 5B–3.805–2 Selection of architect-engineers.

(a) In the selection of an architect-engineer for (i) each new construction project and (ii) each repair or alteration project estimated to exceed $200,000 in construction costs, the appropriate subpanel of the National Public Advisory Panel on Architectural Services or the Regional Public Advisory Panel on Architectural Services (as appropriate) shall be requested to review, evaluate and make recommendations.

(b) Each Design and Construction Division shall be responsible for making every necessary effort to obtain the names of firms who are interested in performing professional services for GSA on a contemplated project. The Design and Construction Division shall obtain completed or updated (as the case may be) Standard Form 251, U.S. Government Architect-Engineer Questionnaires, together with exterior and interior photographs of completed projects designed by each such firm.

(c) Generally, only firms close to the project site shall be included for consideration. If necessary, in order to secure an adequate number of firms eligible for consideration, other firms within the same State may be included. Ordinarily, firms outside the State in which the project is located will be excluded notwithstanding proximity to the project site. For projects in the Washington, D.C., metropolitan area, firms in the metropolitan area will be included. On projects of national interest, firms of nationally recognized reputation will be considered.

(d) Members of the National or a Regional Public Advisory Panel on Architectural Services who, under the foregoing provisions, are eligible for consideration in connection with a specific project, may be included for consideration, *Provided, however,* That no such member may participate in the review, evaluation and recommendations made by the National subpanel or Regional Panel with respect to that particular project.

(e) The completed or updated Standard Form 251 and photographs obtained from each firm included for consideration will be reviewed by the appropriate National subpanel or Regional Panel which will evaluate the qualifications and recommend the names of the architect-engineers to be considered in making final selection. The National subpanel or Regional Panel (as the case may be) shall be requested to recommend three to five firms (depending upon the number of firms interested in and eligible for performing the work entailed in the specific project) but shall be authorized, in the event of inability to recommend the desired number, to recommend a lesser number of firms for final consideration and to furnish a statement of the reason for recommending fewer than requested.

(f) The National subpanel or Regional Panel (as the case may be) shall be requested to make recommendations on the basis of comparative evaluation of:

(1) Having an organization of sufficient size and qualification to perform the work entailed in the specific project;

(2) Relative number of years' experience, number, and size of projects previously designed;

(3) Having special qualifications (where relevant) to perform unusual design work peculiar to the specific project;

(4) Relative standing and reputation within the profession with respect to quality of design, drawings, and specifications;

(5) The number of projects for which the firm has been previously engaged by GSA or other Federal Government agencies; and

(6) Other factors deemed by the National subpanel or Regional Panel to be relevant in the selection of those to be recommended.

(g) The National subpanel or Regional Panel shall be requested to submit the names of those recommended to the Administrator or the Regional Administrator, as the case may be. The list of those recommended shall be referred to the evaluation committee which shall (unless precluded by lack of time or other compelling factor) visit the office of each firm recommended, for the purpose of obtaining such additional information as the evaluation committee may deem necessary and desirable. The evaluation committee shall also review any GSA record of performance on projects previously performed for GSA by the firms recommended for final consideration. Concurrently, the evaluation committee shall, in the case of projects funded from appropriations to other Federal agencies, invite the agency concerned to review the list of firms recommended and to submit any additional information or comment as such agency may deem appropriate. The evaluation committee shall prepare and append a report, if necessary, to accompany the list of firms recommended. The list and report (if any) shall be forwarded through established channels to the authority designated to make final selection.

(h) For each regional project on which it is estimated that the architect-engineer's fee will not exceed $35,000, the Regional Administrator shall make the final selection of the architect-engineer for the project. The Commissioner, Public Buildings Service, will make the final selection on all other projects.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective February 27, 1969.

Dated: February 28, 1969.

ROBERT B. FOSTER, Jr.,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 69–2669; Filed, Mar. 5, 1969; 8:45 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.8—Labor Surplus Area Concerns

PART 9–16—PROCUREMENT FORMS

Subpart 9–16.50—Contract Outlines

PART 9–53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

Subpart 9–53.100—Contracts

MISCELLANEOUS AMENDMENTS

1. Section 9–1.807 *Report on preference procurement in labor surplus areas,* is revised to read as follows:

§ 9–1.807 Report on preference procurement in labor surplus areas.

The semiannual report on preference procurement in Labor Surplus Areas as

set forth in FPR 1–1.807 shall also include a separate report on subcontracts from cost-type contractors.

2. In § 9–16.5002–4 *Outline of a cost-plus-a-fixed-fee construction contract, Article XXXII—Utilization of small business concerns,* is revised to read as follows:

§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee construction contract.

* * * * *

Article XXXII—Utilization of small business concerns. Insert contract clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

* * * * *

3. In § 9–16.5002–5 *Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article XXXIII—Utilization of small business concerns; Article XXXIV—Small business subcontracting program; Article XXXV—Utilization of concerns in labor surplus areas; and Article XXXVI—Labor surplus area subcontracting program,* are revsied to read as follows:

§ 9–16.5002–5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

* * * * *

Article XXXIII—Utilization of small business concerns. Insert contract clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

Article XXXIV—Small business subcontracting program. Insert contract clause set forth in FPR 1–1.710–3(b) under the conditions and in the manner prescribed in that section.

Article XXXV—Utilization of concerns in labor surplus areas. Insert contract clause set forth in FPR 1–1.805–3(a) under the conditions and in the manner prescribed in that section.

Article XXXVI—Labor surplus area subcontracting program. Insert contract clause set forth in FPR 1–1.805–3(b) under the conditions and in the manner prescribed in that section.

* * * * *

4. In §9–16.5002–6 *Outline of a lump-sum architect-engineer contract (with cost reimbursement features), Article XXV—Utilization of small business concerns; Article XXVI—Small business subcontracting program; Article XXVII—Utilization of concerns in labor surplus areas;* and *Article XXVIII—Labor surplus area subcontracting program,* are revised to read as follows:

§ 9–16.5002–6 Outline of a lump-sum architect-engineer contract (with cost reimbursement features).

* * * * *

Article XXV—Utilization of small business concerns. Insert contract clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

Article XXVI—Small business subcontracting program. Insert contract clause set forth in FPR 1–1.710–3(b) under the conditions and in the manner prescribed in that section.

Article XXVII—Utilization of concerns in labor surplus areas. Insert contract clause set forth in FPR 1–1.805–3(a) under the conditions and in the manner prescribed in that section.

Article XXVIII—Labor surplus area subcontracting program. Insert contract clause set forth in FPR 1–1.805–3(b) under the conditions and in the manner prescribed in that section.

* * * * *

5. In § 9–16.5002–8 *Outline of special research support agreement with educational institutions,* Article B–XXIV—Utilization of Concerns in Labor Surplus Areas, and Article B–XXV—Utilization of Small Business Concerns, are revised to read as follows:

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

* * * * *

ARTICLE B–XXIV—UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

Insert the clause set forth in FPR 1–1.805–3 (a) under the conditions and in the manner prescribed in that section.

ARTICLE B–XXV—UTILIZATION OF SMALL BUSINESS CONCERNS

Insert the clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

* * * * *

6. In § 9–16.5002–9 *Outline of cost-type contract for research and development with educational institutions,* Article B–28—Utilization of Concerns in Labor Surplus Areas; Article B–29—Labor Surplus Area Subcontracting Program; Article B–30—Utilization of Small Business Concerns; and Article B–31—Small Business Subcontracting Program, are revised to read as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B–28—UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

Insert the clause set forth in FPR 1–1.805–3(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–29—LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

Insert the clause set forth in FPR 1–1.805–3(b) under the conditions and in the manner prescribed in that section.

ARTICLE B–30—UTILIZATION OF SMALL BUSINESS CONCERNS

Insert the clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–31—SMALL BUSINESS SUBCONTRACTING PROGRAM

Insert the clause set forth in FPR 1–1.710–3(b) under the conditions and in the manner prescribed in that section.

* * * * *

7. Section 9–53.106 *Assigned contract prefixes,* is amended by transferring St. Louis and Special Projects, Headquarters, to the list of inactive offices; changing the Headquarters Division of Information to Technical Information; and adding contract prefixes for the Division of International Affairs and Space Nuclear Systems. As amended, § 9–53.106 reads as follows:

§ 9–53.106 Assigned contract prefixes.

Prefixes for AEC contract numbers for each procurement office are set forth as follows:

Active offices	*Contract prefix*
San Francisco	AT(04–3)–
Canoga Park	AT(04–4)–
Grand Junction	AT(05–1)–
Rocky Flats	AT(05–2)–
Idaho Falls	AT(10–1)–
Chicago	AT(11–1)–
Paducah	AT(15–1)–
Kansas City	AT(23–3)–
Nevada	AT(26–1)–
New Brunswick	AT(28–1)–
Princeton	AT(28–2)–
Los Alamos	AT(29–1)–
Albuquerque	AT(29–2)–
New York	AT(30–1)–
Brookhaven	AT(30–2)–
Schenectady	AT(30–3)–
Dayton	AT(33–1)–
Portsmouth	AT(33–2)–
Pernald	AT(33–4)–
Pittsburgh	AT(36–1)–
Savannah	AT(38–1)–
Oak Ridge	AT(40–1)–
Hanford	AT(45–1)–
Headquarters:	
Headquarters Services	AT(49–1)–
General Manager	AT(49–2)–
Military Application	AT(49–3)–
Production	AT(49–4)–
Reactor Development	AT(49–5)–
Raw Materials	AT(49–6)–
Biology and Medicine	AT(49–7)–
Research	AT(49–8)–
Labor Relations	AT(49–10)–
Isotopes Development	AT(49–11)–
Technical Information	AT(49–12)–
Personnel	AT(49–13)–
Space Nuclear Propulsion	SNP–
International Affairs	AT(49–14)–
Space Nuclear Systems	AT(49–15)–
Eniwetok	AT(50–1)–
Puerto Rico	AT(51–1)–
Inactive Offices	
Los Angeles	AT(04–1)–
Berkeley	AT(04–2)–
Hartford	AT(06–1)–
Wilmington	AT(07–1)–
Spoon River	AT(11–2)–
Iowa (Burlington)	AT(13–1)–
Ames	AT(13–2)–
Detroit	AT(20–1)–
Centerline	AT(20–2)–
St. Louis	AT(23–2)–
Sandia	AT(29–3)–
Lockland	AT(33–3)–
Pantex	AT(41–1)–
Milwaukee	AT(47–1)–
Headquarters:	
Special Projects	AT(49–9)–

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date: These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 27th day of February 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 69–2667; Filed, Mar. 5, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37 (Sub-No. 15)]

PART 1048—COMMERCIAL ZONES

Louisville, Ky., Commercial Zone

At a session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the 20th day of February 1969.

It appearing, that on November 26, 1946, the Commission, Division 5, made and entered its report, 46 M.C.C. 665, and order in this proceeding establishing a population-mileage formula for the definition of the zone adjacent to and commercially a part of each municipality in the United States, with certain exceptions which did not include Louisville, Ky., 49 CFR 1048.101;

It further appearing, that by petition filed October 1, 1968, Ford Motor Co. seeks redefinition and extension in certain respects of the Louisville, Ky., commercial zone;

And good cause appearing therefor:

It is ordered, That said proceeding insofar as it relates to the zone adjacent to and commercially a part of Louisville, Ky., be, and it is hereby, reopened for further consideration.

It is further ordered, That Part 1048 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding § 1048.37 thereto reading as follows:

§ 1048.37 Louisville, Ky.

The zone adjacent to and commercially a part of Louisville, Ky., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) The municipality of Louisville, Ky., itself;

(b) All other municipalities and unincorporated areas within 5 miles of the corporate limits of Louisville, Ky., and all of any municipality any part of which lies within 5 miles of such corporate limits; and

(c) Those points not within 5 miles of the corporate limits of Louisville, Ky., and within an area bounded by a line beginning at the junction of Kentucky Highway 146 (LaGrange Road) and Kentucky Highway 1447 (Westport Road), thence over Kentucky Highway 146 to the junction of Kentucky Highway 146 and Kentucky Highway 841 (Jefferson Freeway), thence over Kentucky Highway 841 to the junction of Kentucky Highway 841 and Kentucky Highway 1447, thence over Kentucky Highway 1447 to junction Kentucky Highway 1447 and Kentucky Highway 146, the point of beginning, all within Jefferson County, Ky.

(49 Stat. 543, as amended; 544, amended 546, as amended, 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on March 31, 1969, and shall continue in effect until the further order of the Commission.

It is further ordered, That the petition, except to the extent granted herein, be, and it is hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2706; Filed, Mar. 5, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Bombay Hook National Wildlife Refuge, Del.

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

§ 28.28 Special regulations; recreation; for the individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot is permitted on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sightseeing, during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Outdoor lunches are permitted in designated areas where lunch facilities are provided. Under special regulations, fishing is permitted in tidal waters from boats only. Public hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 16,280 acres, is delineated on maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 24, 1969.

[F.R. Doc. 69-2677; Filed, Mar. 5, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Bombay Hook National Wildlife Refuge, Del.

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

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Del., is permitted in tidal waters. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 24, 1969.

[F.R. Doc. 69-2678; Filed, Mar. 5, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1202]

[Docket No. AO-365]

HANDLING OF FLUE-CURED TOBACCO

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) under provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act," this decision with respect to a proposed marketing agreement and order regulating the handling of Flue-cured tobacco is issued.

Preliminary statement. A public hearing was held at six locations in the Flue-cured tobacco-producing area during the period of February 26–March 8, 1968, to consider a proposed marketing order program regulating the handling of Flue-cured tobacco. Notice thereof was published in the FEDERAL REGISTER on February 10, 1968 (33 F.R. 2850). The notice and the hearing were pursuant to a proposal submitted by the State Granges of North Carolina, South Carolina, and Virginia, and the North Carolina Association of Farmer-Elected Committeemen that the handling of Flue-cured tobacco be regulated under a marketing order program, and that the Department hold a hearing on such a proposed program.

In a partial recommended decision of April 17, 1968 (33 F.R. 6125), it was concluded that the hearing should be reopened some time after the 1968 selling season was well underway to receive factual evidence on whether economic and marketing conditions justified a need for regulation and the issuance of a marketing agreement and order. The record evidence supported a finding that a marketing agreement and order for Flue-cured tobacco in 1967 would have provided a legal framework through which an administrative committee could have acted to achieve more orderly marketing conditions and thereby tend to effectuate the declared policy of the act. The record also showed that a number of significant changes were planned by the industry and by the Department for the 1968 selling season in an effort to prevent a recurrence of the chaotic marketing conditions of 1967. However, the record contained a wide difference of opinion as to whether the planned changes would, in fact, prevent such a recurrence.

The hearing was reopened and thereafter reconvened at Raleigh, N.C., on September 11 and 12, 1968, for the limited purpose of receiving up-to-date evidence with respect to the need for regulation and issuance of a marketing agreement and order for Flue-cured tobacco, including evidence as to the effectiveness of the aforementioned changes in the 1968 selling season and whether the then current marketing conditions were orderly or whether they continued to be sufficiently disorderly to justify issuance of a marketing agreement and order. A recommended decision, including findings and conclusions, was issued November 19, 1968 (33 F.R. 17359), relating only, and as a followup, to the aforesaid partial recommended decision of April 17, 1968 (33 F.R. 6125), with respect to the need for regulation and issuance of a marketing agreement and order. Opportunity was afforded through December 6, 1968, for interested parties to file written exceptions, with the Hearing Clerk, U.S. Department of Agriculture. No exception to such recommended decision was filed.

A recommended decision on material issue No. 1, as hereinafter set forth, was also contained in the partial recommended decision of April 17. A recommended decision was issued July 16, 1968 (33 F.R. 10346), covering material issue No. 3, as hereinafter set forth.

Material issues. The material issues presented on the record of the hearing relate to:

1. Whether the handling of Flue-cured tobacco produced in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce in Flue-cured tobacco and its products.

2. Whether economic and marketing conditions justify the need for regulation and the issuance of a marketing agreement and order regulating the handling of Flue-cured tobacco to effectuate the declared policy of the act; and

3. What specific terms and provisions should be included in any marketing agreement and order that might be issued.

Findings and conclusions. The following findings and conclusions are based on the evidence adduced at the hearing and the record thereof:

The hearing on a proposed marketing agreement and order program for Flue-cured tobacco conducted at various places throughout the production area helped to bring into clear focus the marketing problems and need for industrywide unity and cooperative effort in solving these problems. As of the reopened hearing, through the efforts of the voluntary Flue-Cured Tobacco Marketing Committee, the quantities of Flue-cured tobacco marketed were reasonably well geared to the quantities which could be processed by the redrying plants. The planned actions by the Department and by the industry, which were pointed out in the partial recommended decision of April 17, 1968, were carried out and helped further in tending to establish and maintain orderly conditions in the marketing of Flue-cured tobacco, by eliminating, for example, long waiting periods at auction warehouses. The record shows that, generally, growers were able to unload their tobacco on the day of arrival at the warehouse and to sell the tobacco that same day, or at the latest, during the next sales day. The 1968 production of Flue-cured tobacco was significantly lower than in 1967, and this, too, constituted a substantial factor in achieving orderly marketing conditions.

Therefore, it is concluded that under the improved conditions no action is indicated for the issuance of a marketing agreement and order program for Flue-cured tobacco at this time. Hence, there is no need for further findings or conclusions on issues which relate to Federal jurisdiction or the particular terms or provisions of a proposed regulatory program. However, the promulgation hearing may be reconvened should events not now foreseeable develop in the ensuing 1969 selling season to warrant such action.

Dated: March 3, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-2722; Filed, Mar. 5, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36]

[Docket No. 9337; Notice No. 69-1A]

NOISE STANDARDS; AIRCRAFT TYPE CERTIFICATION

Notice of Extension of Comment Period

The Federal Aviation Administration proposed in Notice 69-1, published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 453), to add a new Part 36 to the Federal Aviation Regulations containing type certification noise standards for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category. Related changes to Part 21 of the Federal Aviation Regulations were also proposed. The notice stated that consideration would be given to all comments received on or before March 12, 1969.

By letter dated February 4, 1969, the Aerospace Industries Association of America, Inc.; by letter dated February 4, 1969, the International Air Transport

Association; by letter dated February 13, 1969, the Society of British Aerospace Companies, Ltd.; and by letter dated February 8, 1969, Rolls Royce, Limited have requested an extension of time for submission of comments. The petitioners state that a careful study is required to assess the impact of the proposed rules on the air transportation industry, and that the original comment period is too short for adequate consideration of the effects of the proposed rules. Notice 69–1 contains the first regulatory noise standards proposed by the United States for aircraft type certification. The proposals are complex and their impact may be widespread within and outside the United States. In view of this, I find that the petitioners have shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority contained in §§ 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423), § 611 of the Federal Aviation Act of 1958 (82 Stat. 395), and § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), the time within which comments on Notice 69–1 will be received is hereby extended to May 14, 1969.

Issued in Washington, D.C., on March 4, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69–2795; Filed, Mar. 5, 1969; 8:50 a.m.]

[14 CFR Part 39]

[Docket No. 9453]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Vickers Viscount Models 744, 745D, and 810 Series airplanes. The investigation following a fire involving a Viscount aircraft indicates that the glass fiber air system ducts on Vickers Viscount Models 744, 745D, and 810 Series airplanes could be susceptible to deterioration when subjected to high temperatures and that improved fire protection of the air system ducting is necessary. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed airworthiness directive would require replacement of the glasscloth ducts on Vickers Viscount Models 744, 745D, and 810 Series airplanes and replacement of the right and left inboard nacelle fiber glass saddle bracket on Viscount Model 810 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 5, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To improve the fire protection of air system ducting adjacent to cabin compressor outlets in the engine nacelles, accomplish the following:

(a) For Viscount Models 744, 745D, and 810 Series airplanes, replace glasscloth ducts on the outlet side of the cabin compressor in the right inboard, the right outboard and the left inboard engine nacelle with aluminum alloy ducts in accordance with BAC Modification Bulletin No. D3198 Issue 2 (700 Series) or FG.2070 Issue 2 (810 Series) or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East region.

(b) For Viscount Model 810 series airplanes only, replace the right and left inboard nacelle fiber glass saddle brackets with stainless steel saddle brackets in accordance with BAC Modification Bulletin No. FG.2070 Issue 2 (800 Series) or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East region.

Issued in Washington, D.C., on February 27, 1969.

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

[F.R. Doc. 69–2699; Filed, Mar. 5, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–1]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition areas at Mount Vernon, Ill., and Centralia, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Two new public use instrument approach procedures have been developed for the Mount Vernon-Outland Airport, Mount Vernon, Ill., utilizing a VOR, which is now being installed northeast of the airport, as a navigational aid. Also, the existing ADF instrument approach procedures at this airport must be canceled. With the installation of the VOR, communications will be available for the designation of a control zone at Mount Vernon. Ozark Airlines accredited personnel will provide weather reporting service so that a part-time control zone can be established at this location. Accordingly, it is necessary to designate a control zone at Mount Vernon and to alter the Mount Vernon and Centralia, Ill., transition areas to provide controlled airspace for the protection of aircraft executing the new approach procedures and to delete that airspace now protecting the revoked procedures. The new procedures will become effective and the existing ADF procedures canceled concurrently upon completion of the VOR and upon designation of the control zone and alteration of the transition areas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is added:

MOUNT VERNON, ILL.

Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'15" N., longitude 88°51'40" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial extending from the 5-mile radius zone to 17 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a

Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition areas are amended to read:

MOUNT VERNON, ILL.

(a) That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon-Outland Airport (latitude 38°19'15" N., longitude 88°51'40" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial, extending from the 6-mile radius area to 17 miles southwest of the VOR.

CENTRALIA, ILL.

(b) That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the north boundary of V-446 and longitude 88°30'00" W.; extending south along longitude 88°30'00" W., to latitude 38°07'00" N.; thence west along latitude 38°07'00" N., to and counter clockwise along the arc of a 40-mile radius circle centered on Scott AFB, Belleville, Ill., (latitude 38°32'30" N., longitude 89°51'05" W.); to and clockwise along the arc of a 13-mile radius circle centered on the Centralia VOR to and counter clockwise along the arc of a 40-mile radius circle centered on Scott AFB to the north boundary of V-446; thence east along the north boundary of V-446 to the point of beginning.

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

Issued at Kansas City, Mo., on February 18, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-2698; Filed, Mar. 5, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18421]

HOURS OF OPERATION OF DOMINANT AND SECONDARY STATIONS

Order Extending Time for Filing Comments and Waiver Request

In the matter of amendment of § 73.81 of the Commission's rules (hours of operation of dominant and secondary stations), Docket No. 18421; request by Station KFAX, San Francisco, Calif., for waiver of various rules concerning hours of operation by Class II stations and applications for changed facilities by Class II stations on U.S. I-A channels.

1. The rule-making proceeding concerning amendment of § 73.81 of the rules (Docket 18421), first captioned above, was begun by notice of proposed rule making adopted January 15, 1969 (FCC 69-43), setting the dates for comments and reply comments as March 3 and March 17, 1969, respectively. At the same time the Commission adopted a memorandum opinion and order (FCC 69-42), dealing with a number of points raised by Argonaut Broadcasting Co. (KFAX), licensee of Station KFAX, San Francisco, in support of continued operation during certain nighttime hours (10 p.m. to 2 or 3 a.m., P.s.t.) and use of its authorized daytime facilities during these hours. In the latter document, inter alia, it was noted that in the pleadings which were under consideration KFAX had requested waiver of various provisions of the rules if they were construed to prohibit operation as requested, and these were rejected. However, the document also noted that the waiver requests were not advanced at length, that KFAX might not have made all of the arguments in favor of waiver (rather than as to the meaning of the rules) which could be advanced; and that "If KFAX wishes to make a further showing in support of a waiver request, by the time comments are due in the proceeding begun today concerning section 73.81, it will be considered." (FCC 69-42, par. 19.)

2. On February 25, 1969, KFAX filed a "Petition for Extension of Time" in Docket 18421, asking that the date of comments therein be extended 30 days, from March 3 to April 2. Its request is based entirely on the fact that "Argonaut has not been able to compile the special waiver showing which KFAX, but not other limited time stations, was authorized to submit in the above-captioned proceeding" (Docket 18421).

3. KFAX is wrong in its assumption that the special showing as to KFAX which might be considered to warrant a waiver of applicable rules is to be made in Docket 18421, a rule-making proceeding concerning amendment of a rule of general applicability. The matter of a waiver of various rules in favor of KFAX was not mentioned in the Docket 18421 notice, and is a separate matter. This is particularly true since one of the two particular KFAX requests involved—use of daytime rather than nighttime facilities during these particular hours—does not involve § 73.81 at all. The memorandum opinion and order simply referred to the rule-making proceeding which was being instituted at the same time, and the comment dates therein, as a matter of convenience for fixing a reasonable time within which KFAX could advance whatever special circumstances might justify a waiver beyond the brief waiver requests it had previously made. The language quoted above makes this clear. Accordingly, the instant KFAX Petition sets forth no reason for extending the time for filing comments in Docket 18421. However, since counsel for KFAX may have relied on this erroneous assumption in preparing to file its comments in Docket 18421, it is appropriate to grant a short additional time for comments in this proceeding. Grant of the additional 30 days for preparation of a waiver request relating particularly to KFAX appears appropriate.

4. Accordingly, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.281(d) of the Commission's rules: *It is ordered*, That:

(1) The time for filing comments and reply comments in Docket 18421 is extended to and including March 14 and March 28, 1969, respectively; and

(2) The time within which Argonaut Broadcasting Co. (KFAX) may file a request for waiver of the Commission's rules to permit operation during hours from 10 p.m. to 3 a.m. p.s.t. (or part thereof), and/or use of authorized daytime facilities during these hours, is extended, to and including April 2, 1969; and

(3) The "Petition for Extension of Time" filed by Argonaut Broadcasting Co. in Docket 18421 on February 25, 1969, is granted, to the extent indicated hereinabove, and in all other respects is denied.

Adopted: February 27, 1969.

Released: February 28, 1969.

GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-2715; Filed, Mar. 5, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 584]

[No. 22,614]

SAVINGS AND LOAN HOLDING COMPANIES

Current Reports

FEBRUARY 27, 1969.

Resolved, That, for the purpose of requiring current reporting of the occurrence of certain events which at present are reported, with other required information in H-(b)11, the Federal Home Loan Bank Board proposes to prescribe a report, entitled H-(b)12, and to delete the reporting requirement with respect to such events from H-(b)11, by amending this part as follows:

1. Amend paragraph (a) of § 584.1 by the addition of a new subparagraph (3) and by amendment of the closing unnumbered subparagraph to read as follows:

§ 584.1 Registration, examination and reports.

(a) *Filing of registration statement and other reports.*

(1) *Filing of registration statement.* Not later than 90 days after becoming a savings and loan holding company, each savings and loan holding company shall register with the Corporation by filing the appropriate registration statement specified in paragraph (a) of § 584.10 of this Part.

(2) *Filing of annual report.* Each registered savings and loan holding company, including subsidiary savings and loan holding companies, shall file an annual report on Form H–(b)11, except that such report need not be filed by a savings and loan holding company that has filed a registration statement on Form H–(b)3 or H–(b)4, or by a savings and loan holding company which is a trust (other than a business trust). For fiscal years which ended in 1968, the report shall be filed by June 30, 1969. For fiscal years ending during the period January 1, 1969 through June 30, 1969, the report shall be filed within 180 days of the close of such fiscal year. For all fiscal years ending after June 30, 1969, annual reports shall be filed not later than 120 days after the close of the fiscal year.

(3) *Filing of H–(b)12.* Each registered savings and loan holding company which is required to file report H–(b)11 shall file reports of current information on report H–(b)12. The H–(b)12 shall be filed within 10 days of the end of each month during which any of the events specified in the report occurs, unless the required information has been previously reported by the registrant.

Registration statements, annual reports, and the H–(b)12 are filed with the Corporation by transmitting the original and two copies thereof to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, and two copies to the Supervisory Agent. Copies of forms to be used in submitting registration statements, annual reports, and the H–(b)12 may be obtained from any Supervisory Agent.

* * * * *

2. Amend paragraph (a) of § 584.10 by addition of a new subparagraph (3) to read as follows:

§ 584.10 Statements, reports and notices to be filed.

(a) *Registration statements and other reports for savings and loan holding companies under § 584.1.*

(1) *Registration statements—(i) H–(b)10.* This statement shall be used for registration by every savings and loan holding company, including subsidiary savings and loan holding companies, except trusts (other than business trusts) and savings and loan holding companies which file H–(b)3 and H–(b)4 registration statements.

(ii) *H–(b)3—Bank as trustee of a trust.* This statement (rather than H–(b)10) may be used for registration by any bank which is a savings and loan holding company only by virtue of its control, in a trustee capacity, of an insured institution.

(iii) *H–(b)4—Creditor as savings and loan holding company.* This statement (rather than H–(b)10) may be used for registration by any company which is a creditor and is a savings and loan holding company only by virtue of the acquisition of control of an insured institution or another savings and loan holding company pursuant to a pledge or hypothecation to secure a loan, or in connection with the liquidation of a loan, made in the ordinary course of business.

(2) *Annual Report—H–(b)11.* This report shall be used by every registered savings and loan holding company, including subsidiary savings and loan holding companies, except trusts (other than business trusts) and savings and loan holding companies filing H–(b)3 and H–(b)4 registration statements.

(3) *H–(b)12.* This report shall be used by every registered savings and loan holding company which is required to file an H–(b)11.

* * * * *

(Public Law 90–255, 12 U.S.C. 1730a)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by April 7, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

NOTE: A copy of the proposed Form H–(b)12 is available for inspection at the office of any Supervisory Agent.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 69–2728; Filed, Mar. 5, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–8532]

REGISTRATION OF CERTAIN CLASSES OF SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration [proposed Rule 12g–2 (17 CFR 240.12g–2) pursuant to the authority contained in sections 12 and 23(a) of the Securities Exchange Act of 1934; 15 U.S.C. 78*l* and 78w] relating to the registration of securities under section 12(g)(1) of the Securities Exchange Act of 1934. That section requires, with certain exceptions, the registration of any class of equity securities if the issuer of such securities has total assets exceeding $1 million and securities of the class are held of record by more than 500 persons. Section 12(g)(2)(A) exempts from such registration securities listed and registered on a national securities exchange and section 12(g)(B) exempts therefrom securities issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940.

The proposed rule would provide that where a class of securities would have been required to be registered under section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g)(A) or (B) of the Act, when the exemption terminates such class shall be deemed to be registered under section 12(g)(1) if at that time securities of the class are held of record by 300 or more persons. The proposed rule would accomplish the transition from registration under section 12(b) of the Act or section 8 of the Investment Company Act of 1940 without the necessity of filing an additional registration statement. The rule would also make clear that registration under section 12(g)(1) of the Act continues even though at the time of the termination of the exemption securities of the class are no longer held of record by 500 or more persons.

The text of the proposed rule 12g–2 (17 CFR 240.12g–2) is as follows:

§ 240.12g–2 Securities deemed to be registered pursuant to section 12(g)(1) upon termination of exemption pursuant to section 12(g)(2)(A) or (B).

Any class of securities which would have been required to be registered pursuant to section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g)(2)(A) because it was listed and registered on a national securities exchange, or by section 12(g)(2)(B) because it was issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (54 Stat. 789 et seq., as amended; 15 U.S.C. 80a–1 et seq.), shall upon the termination of the listing and registration of such class or the termination of the registration of such company and without the filing of an additional registration statement, be deemed to be registered pursuant to said section 12(g)(1) if at the time of such termination securities of the class are held of record by 300 or more persons.

All interested persons are invited to submit their views and comments on the proposed rule, 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, February 20, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–2685; Filed, Mar. 5, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1203]

[No. 35029]

EXPRESS COMPANIES

Uniform System of Accounts

Present: John W. Bush, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding and of the request of the Railway Express Agency for an extension of time to file comments.

It is ordered, That the time for filing views and comments set by the notice of proposed rulemaking served December 9, 1968, and published on page 18496 of the December 13, 1968, issue of the FEDERAL REGISTER be, and it is hereby extended to April 30, 1969.

(Secs. 12, 20, 24 Stat. 383, 386, as amended; 49 U.S.C. 12, 20)

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

By the Commission, Commissioner Bush.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2709; Filed, Mar. 5, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-66]

"HORSEFEATHERS"

Classification

FEBRUARY 24, 1969.

Decision in C.D. 3530, Classifying certain wedge-shaped wooden articles as spruce lumber under item 202.03, Tariff Schedules of the United States (TSUS).

In A. N. Deringer, Inc. v. United States, C.D. 3530 (decided Aug. 8, 1968) the U.S. Customs Court held that certain wedge-shaped wooden articles described on the invoices as "horsefeathers," and manufactured by sawing logs into boards, resawing the boards longitudinally, and then bevel cutting the resawn boards, are properly dutiable at the rate of 35 cents per thousand feet, board measure, under item 202.03, Tariff Schedules of the United States (TSUS), as spruce lumber. The merchandise involved in this case is employed as a backing on the side or the roof of a building in order to make the surface flat or level prior to the installation of resurfacing materials such as asphalt shingles or clapboard.

The Bureau has been presented with the question whether the decision is to be extended to other materials similarly advanced so as to be dedicated to a specific use.

The principle of D.C. 3530 is limited to merchandise of the kind which was passed on by the court.

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

[F.R. Doc. 69-2702; Filed, Mar. 5 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Nevada 054565]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 27, 1969.

The U.S. Department of Agriculture, Forest Service, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, except to such forms of disposition as may by law be made of national forest lands.

The applicant desires the land for inclusion in the Toiyabe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 211.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 16, NE¼NW¼;
Sec. 20, SE¼SE¼;
Sec. 21, NW¼NE¼, NW¼NW¼, W½SW¼ NW¼, S½SW¼SW¼, W½SE¼.
T. 18 S., R. 56 E.,
Sec. 26, SE¼.

The areas described aggregate 440 acres.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69-2700; Filed, Mar. 5, 1969; 8:48 a.m.]

Office of the Secretary

ELLERTON E. WALL

Statement of Changes in Financial Interests

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

(1) None.
(2) None.
(3) Standard Oil Company of California, 2585 shares; International Telephone & Telegraph, 200 shares; Erie Technological, Inc., 200 shares; The Upjohn Co., 200 shares; IBM, 62 shares.

Sold—200 shares General Mills; sold—200 shares Rheingold Corp.; sold—120 shares American Express (Fund American merged with American Express 120 shares for 150).
(4) None.

This statement is made as of February 23, 1969.

Dated: February 25, 1969.

E. E. WALL.

[F.R. Doc. 69-2679; Filed, Mar. 5, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CHEMICAL BANK

Notice of Approval of Applicant as Trustee

In F.R. Doc. 66-3683 appearing in the FEDERAL REGISTER issue of April 6, 1966 (31 F.R. 5457) notice was given that Chemical Bank New York Trust Co., was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Notice is hereby given that Chemical Bank New York Trust Co., was merged into Chemical Bank on February 17, 1969, and that Chemical Bank, the continuing corporation, a banking corporation organized under the laws of the State of New York, with offices at 20 Pine Street, New York, N.Y., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: March 3, 1969.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 69-2726; Filed, Mar. 5, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA PHARMACEUTICAL CO.

Notice of Filing of Petition for Food Additive Metoserpate Hydrochloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Gland-O-Lac Co., Division of CIBA Corp., Omaha, Nebr. 68101, proposing that § 121.324

Metoserpate hydrochloride (21 CFR 121.324) be amended to provide for the safe use of metoserpate hydrochloride at a level of 0.03 percent in the drinking water of replacement chickens. The petition proposes that treated birds not be slaughtered within 96 hours of treatment.

Dated: February 27, 1969.

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

[F.R. Doc. 69-2673; Filed, Mar. 5, 1969; 8:45 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

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)), notice is given that a petition (PP 9F0801) has been filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance (21 CFR 120.207) of 2 parts per million for residues of trifluralin (α,α,α-trifluoro-2, 6-dinitro-*N*,*N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity mung bean sprouts from use as a plant regulator on the beans.

The analytical method proposed in the petition for determining residues of trifluralin is a gas chromatographic procedure.

Dated: February 25, 1969.

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

[F.R. Doc. 69-2674; Filed, Mar. 5, 1969; 8:45 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

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)), notice is given that a petition (PP 9F0805) has been filed by Shell Chemical Co., a division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in meat, fat, and meat byproducts of cattle at 2 parts per million; and in milk fat at 0.75 part per million (reflecting negligible residues in whole milk).

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic emission detector.

Dated: February 25, 1969.

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

[F.R. Doc. 69-2675; Filed, Mar. 5, 1969; 8:45 a.m.]

Office of Education

RESIDENTS OF AMERICAN SAMOA OR TRUST TERRITORY OF THE PACIFIC ISLANDS

Work-Study Assistance Program

Notice of establishment of closing date for receipt of applications for grants affecting residents of American Samoa or Trust Territory of the Pacific Islands who attend eligible institutions elsewhere.

Title IV, Part C, of the Higher Education Act of 1965, as amended, provides for a program of part-time employment of needy college students. Section 443 authorizes the Commissioner of Education to make grants to eligible institutions to assist in the operation of work-study programs. "Eligible institution" is defined as (1) an institution of higher education (as defined in section 435(b) of the Act), (2) an area vocational school (as defined in section 8(2) of the Vocational Education Act of 1963), or (3) (effective for fiscal years ending on and after June 30, 1970) a proprietary institution of higher education (as defined in section 461(b) of the Act).

Under section 442(e) of the Act an amount has been reserved to provide work-study assistance to students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. Grants made under this provision may be used only for the purpose of providing work-study assistance to such students.

The Commissioner has determined that it is necessary for the efficient administration of the program to establish a "cutoff date" for the receipt of applications from eligible institutions for such grants for work-study assistance for students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands during the fiscal year ending June 30, 1970. Accordingly, notice is hereby given that, in order to be assured of consideration, applications must be received in the U.S. Office of Education by April 15, 1969.

No particular application form is required. A letter stating the names of the students to be employed during the fiscal year ending June 30, 1970, the residence of each such student (i.e., American Samoa or one of the Islands of the Trust Territory of the Pacific Islands), and the amount which each such student can be expected to earn during the fiscal year ending June 30, 1970, will be considered sufficient to constitute an application. The Federal share of the earnings of such students will be not in excess of 80 percent.

Applications must be filed with: Chief, Work-Study Branch, Division of Student Financial Aid, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

Dated: February 19, 1969.

PRESTON VALIEN,
Acting Associate Commissioner for Higher Education.

Approved:

PETER P. MUIRHEAD,
Acting Commissioner of Education.

[F.R. Doc. 69-2676; Filed, Mar. 5, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPUTY UNDER SECRETARY FOR POLICY ANALYSIS AND PROGRAM EVALUATION

Delegation of Authority To Determine the Definition of Income and the Maximum Amount of Income for Eligibility of Occupants for Benefits Under the Rent Supplement Program

SECTION A. *Authority to determine the definition of income and the maximum amount of income.* The Deputy Under Secretary for Policy Analysis and Program Evaluation is hereby authorized to determine the definition of income and the maximum amount of income for eligibility of occupants in an area for benefits under the rent supplement program for disadvantaged persons under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s).

SEC. B. *Authority to redelegate.* The Deputy Under Secretary for Policy Analysis and Program Evaluation is authorized to redelegate to subordinate employees any of the authority delegated under section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date: This delegation of authority shall be effective as of March 6, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-2705; Filed, Mar. 5, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-274]

U.S. GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR (USGS)

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on January 17, 1969 (34 F.R. 772), the Atomic Energy Commission has issued, in the form set forth in that notice, Facility License No. R-113. The license authorizes the USGS to operate a TRIGA Mark I type nuclear research reactor facility on its Federal Center site in Denver, Colo.

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

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-2668; Filed, Mar. 5, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 67-2-153]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on February 28, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 22, 1969, names additional specific commodity rates for the carriage of live animals, as set forth below, which reflect reductions from the otherwise applicable rate.

R-28: Commodity Item 1053—Cattle; 60 cents per kg., minimum weight 3,000 kgs. Miami to Caracas.

R-29: Commodity Item 1074—Pigs; 60 cents per kg., minimum weight 3,000 kgs. Miami to Caracas.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20469, R-28 and R-29, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2723; Filed, Mar. 5, 1969; 8:50 a.m.]

[Order 69-2-155]

CERTAIN UNAUTHORIZED INDIRECT AIR CARRIERS

Order Granting Temporary Relief

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

At the request of the Department of Defense (DoD), the Board, by Order 68-10-32, October 8, 1968, granted temporary relief from provisions of the Federal Aviation Act of 1958 to permit certain unauthorized indirect air carriers to transport by air used household goods of DoD personnel. The relief, which allowed these carriers to engage in indirect air transportation as air freight forwarders of used household goods,[1] was granted in lieu of a blanket exemption to household goods movers. The Board decided to continue to exempt by order, pursuant to request by DoD, those household goods movers selected by that Department to transport by air used household goods of DoD personnel. The relief granted terminates October 14, 1969, unless sooner terminated by the Board.

By letter dated January 13, 1969, the Department of the Army (acting on behalf of DoD) requested that the Board grant similar relief to Allied Van Lines, Inc., and North American Van Lines, Inc., limited to transportation between points in the Continental United States, on the one hand, and Labrador, Canada, on the other.

In view of the foregoing, and for the reasons stated in Order 68-10-32, the Board finds that it is in the public interest to grant the requested temporary relief.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, Allied Van Lines, Inc., and North American Van Lines, Inc., be and they hereby are relieved from the provisions of title IV and section 610 (a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of the Department of Defense upon tender by that Department, between points in the Continental United States, on the one hand, and Labrador, Canada, on the other;

2. That the relief granted herein will terminate as of October 14, 1969, unless sooner terminated by the Board;

3. That this order may be amended or revoked at any time, in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service of the U.S. Army, Allied Van Lines, Inc., and North American Van Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2724; Filed, Mar. 5, 1969; 8:50 a.m.]

[Docket No. 19685]

SERVICE TO SALT LAKE CITY INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 9, 1969, at 10 a.m., e.s.t. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before March 31, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2725; Filed, Mar. 5, 1969; 8:50 a.m.]

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

FEDERAL COMMUNICATIONS COMMISSION

[Report 429]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 3, 1969.

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

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

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

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

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

4838-C2-P-69—Southern Bell Telephone & Telegraph Co.; (KIG291); C.P. to change antenna system and replace transmitters for base frequencies 152.51, 152.63, and 152.75 MHz; relocate test transmitter antenna for test frequencies 157.77, 157.89, and 158.01 MHz and change antenna location from 45 North Main Street, Orlando, Fla., to 45 North Magnolia Street, Orlando, Fla. (name of street change).

4839-C2-P-69—General Telephone Co. of Kentucky; (New); C.P. for a new 2-way station. Base frequency: 152.78 MHz. Location: 0.25 mile west of 13th Street and Lexington Avenue, Ashland, Ky.

4840-C2-P-69—General Telephone Co. of Kentucky; (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Location: 601 Lagonda Avenue, Lexington, Ky.

4841-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: 8500 Zuni Street, Westminster, Colo.

4842-C2-P-69—E. B. & Donna W. Brownell; (KOP254); C.P. to change antenna system for repeater facilities at location No. 4: Medicine Mountain, 20 miles north-northeast of Greybull, Wyo. Repeater frequency: 459.05 MHz.

4843-C2-P-69—E. B. & Donna W. Brownell; (KOP254); Modification of C.P. to change control frequency at location No. 5 from 158.58 MHz to 454.05 MHz, replace the transmitter and relocate the control station from 107 North 27th Street, Billings, Mont., to 3223 Third Avenue North, Billings, Mont.

4844-C2-ML-69—New York Telephone Co.; (KEC932); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located at 724 Broad Street, Newark, N.Y.

4845-C2-ML-69—New York Telephone Co.; (KED350); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 at its developmental land station located Southport Hill, Comfort Road, 5.75 miles south of Elmira, N.Y.

4879-C2-P-69—R. C. S., Inc.; (New); C.P. for a new 1-way-signaling station. Frequency 152.24 MHz at location No. 1: 7 miles north-northwest of San Luis Obispo, Calif., and at location No. 2: Tepusquet Peak, approximately 13.5 miles east-southeast of Santa Maria, Calif., location No. 3: 1224 Murray Avenue, San Luis Obispo, Calif., frequency 454.225 MHz (control) and location No. 4: 113 South Benwiley Street, Santa Maria, Calif., frequency 454.225 MHz also control station.

4880-C2-P-69—Tel-Page Corp.; (New); C.P. for a new 1-way-signaling station. Frequency: 43.22 MHz. Location: Bell Hill, Schuyler, N.Y.

4881-C2-P-69—Associated Telephone Answering Services; (KKI452); C.P. to change antenna system for the 152.03 MHz base facilities at location No. 1: Sandia Mountain, N. Mex.

4888-C2-ML-69—The Bell Telephone Co. of Pennsylvania; (KGC406); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located 4224 Mount Troy Road, Pittsburgh, Pa.

4967-C2-ML-69—The Chesapeake & Potomac Telephone Co. of (D.C.); (KGC405); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located at 1420 Columbia Road NW., Washington, D.C.

4966-C2-P-69—Southern Bell Telephone & Telegraph Co.; (KIC346); C.P. to change antenna system for base channel 152.75 MHz at station located at 415 Clay Street, Jacksonville, Fla.

5001-C2-P-69—Leonard A. Voyles, doing business as General Communcations; (KFQ940); C.P. to install a second base channel to operate on 454.20 MHz at its station located 200 South Brentwood Boulevard, Clayton, Mo.

5002-C2-ML-69—The Ohio Bell Telephone Co.; (KQD612); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located at 6340 Shull Road, 9 miles northeast of Dayton, Ohio.

5022-C2-P-69—The Medical-Dental Bureau, Inc.; (KFL512); C.P. to change antenna system operating on frequency 454.35 MHz at its station located at Mabel Street, Youngstown, Ohio.

4929-C2-ML-69—The Chesapeake & Potomac Telephone Co. of West Virginia; (KQD611); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located Fitzpatrick Road, 1 mile southwest of Beckley, W. Va.

Major Amendment

1394-C2-P-69—William L. Eisele, trading as South Suburban Paging; (New); Application amended by changing the name of the applicant to read William L. Eisele and Robert A. Jones doing business as Midwest Communications Co. (a partnership). All other terms are to remain the same as reported on public notice, Report No. 404, dated Sept. 9, 1968.

Correction

4734-C2-P-69—Peninsula Radio Secretarial Service, Inc.; (KMA608); Correct entry to read: C.P. to install an additional transmitter to operate on frequency 454.35 MHz at a new site to be identified as location No. 2: 50 feet west of intersection of Lincoln Avenue and Newlands Avenue, San Mateo, Calif. This replaces entry reported on public notice No. 427, dated Feb. 17, 1969.

Renewals of licenses expiring Apr. 1, 1969. Term: Apr. 1, 1969, to Apr. 1, 1974.

Licensee	Call sign
ARKANSAS	
Mobilfone	KKA402
Do	KFL927
Mobilfone Communications	KFJ890
Do	KFL870
Do	KFL893
Do	KFL899
Do	KFL903
Do	KKX720
Do	KLB500
CALIFORNIA	
Advanced Electronics	KLF515
Central Exchange Mobile Radio	KMM599
Do	KMM640
Cook's Telephone Answering & Radio, Inc.	KMD342
Fresno Mobile Radio, Inc.	KMA830
Do	KME200
Do	KME450
Do	KME451
Do	KMJ216
Do	KMJ217
Do	KMJ222
Do	KMJ225
Do	KMM580
Do	KMM590
Do	KMM622
Do	KMM625
Do	KMM634
Hanford Mobile Radio, Inc.	KMD988
Do	KMM636
Intrastate Radio Telephone, Inc. of Los Angeles.	KMA200
Madera Radio Dispatch	KMD350
Do	KMM592
Pomona Radio Dispatch Corp.	KMD992
Redwood Radiotelephone Corp.	KMA617
Do	KMM658
Redwood Radiotelephone Corp.—Marin.	KMM659
Redwood Radiotelephone Corp.	KMM660
Redwood Radiotelephone Corp.—Marin.	KMM690
Salinas Valley Radio Telephone Co.	KMA837
Do	KMM694
Tadlock's Radio Dispatch	KMA259
COLORADO	
Pueblo Telephone Secretarial Service, Inc.	KLF473
CONNECTICUT	
Henry M. Zachs	KOC803
Do	KCI300
DISTRICT OF COLUMBIA	
American Radio-Telephone Service, Inc.	KGA248
Contact of Washington, Inc.	KGA806
FLORIDA	
Answerphone of Lake Worth, Inc.	KIM914
Answering Service, Inc.	KIF651
Auto Phone Service	KIB384
Do	KIY508
Mobile Dispatching Service	KIR204
Mobilfone	KIF649
Peacock Radio Service	KIJ357
Do	KIY511
Radio and Electronics Service Co., d.b.a. Mobilfone.	KIY593
Radio Paging, Inc.	KIJ345
Tel-Car Corp.	KIB527
Wells Fargo Armored Service Corp. of Florida.	KIA956
GEORGIA	
Answerfone, Inc.	KIR205
Do	KIY528
General Communications Service, Inc.	KIC296
Do	KIY402
Do	KIY527
GEORGIA—continued	
L. C. McCall	KIM900
Do	KIY406
Do	KIY408
Do	KIY507
South Georgia Communications Co.	KIY503
Do	KIY765
HAWAII	
Radiocall	KUA215
Do	KUA217
ILLINOIS	
Adlai C. Ferguson, Jr.	KSJ769
Kankakee Telephone Answering Service, Inc.	KSJ750
New York Technical Institute of Cincinnati, Inc.	KSC645
Rockford Communications Co., Inc.	KSJ610
L. Frank Stewart	KSJ627
Stewart Electronics	KSJ811
Telephone Answering Service, Inc.	KSA265
Do	KSC864
INDIANA	
Indianapolis Mobile Telephone Co.	KSD327
Moore's Service	KSJ628
KANSAS	
Tri-State Communications	KDT215
KENTUCKY	
Louisville 2-Way Radio Service, Inc.	KIF656
Do	KIG855
Radio Telephone Service	KJU819
Telephone Answering Service of Owensboro, Inc.	KIN649
LOUISIANA	
Ark-La-Tex Mobile Radio Service	KLB494
Do	KLB756
Mobilfone of Baton Rouge	KKX707
MAINE	
New Dawn Corp.	KCB892
Summit Mobile Radio Co.	KCI304
MARYLAND	
Smith Communications Service	KGA250
MASSACHUSETTS	
Airphone Co.	KCC266
North Shore Communications, Inc.	KCC483
Worcester Communications Co., Inc.	KCA721
MICHIGAN	
Michigan Radio Dispatch Service	KQC573
Waldo Wilson	KQA647
MINNESOTA	
Art Kost Service	KFL923
MISSISSIPPI	
AAA Anserphone, Inc.—Jackson	KKV692
AAA Answering Service, Inc.	KLB703
Alco Telephone Answer-Ring Service of Greenville, Miss., Inc.	KFL932
Gulf Mobilphone	KFL885
Do	KLF518
MISSOURI	
New York Technical Institute of Cincinnati, Inc.	KAA893
Potter Signal, Inc.	KAF250
NEW JERSEY	
The Aeroflex Communications System, Inc.	KEC924
Mobile Radio Dispatch Service, Inc.	KEA256
Mobilfone of Monmouth and Ocean	KEJ886
Telephone Secretarial Service	KEA263
NEW YORK	
Leo Vincent Carmody	KEK267
Woodruff Groff Evans	KEA253
Do	KEA344
General Communications, Inc.	KEC516
Do	KEC737
McCall Telephone Answering Service.	KEC513
Pocket Phone Broadcast Service, Inc.	KEA777
Professional Answering Service	KEC939
Do	KED362
Radio Relay Corp.	KEC745
Radio Telephone Answering Service, Inc.	KEJ891
NORTH CAROLINA	
Albemarle Communications, Inc.	KFL935
Ans-A-Phone Communications, Inc.	KIY774
Do	KIY775
T. D. Miller III	KUA283
Rowan Radiofone	KUA277
Telephone Answering Service of Fayetteville, Inc.	KIY778
NORTH DAKOTA	
Fargo Telephone Answering Service	KLF485
Grand Forks Telephone Answering Service.	KDN400
OHIO	
Akron Mobile Telephone, Inc.	KQK713
Anserphone, Inc.	KQK587
Area-Wide Paging System, Inc.	KQK593
Cincinnati Radio Telephone Systems, Inc.	KQK710
Fitzgerald Radio Communications	KQC880
The Medical-Dental Bureau, Inc.	KLF512
New York Technical Institute of Cincinnati, Inc.	KQC877
Stark Radio Telephone	KQD615
OKLAHOMA	
Mobilfone	KFQ944
Do	KKA341
Do	KKA401
Do	KKJ452
Do	KKN287
Do	KKO347
Do	KLB511
Do	KLB779
Do	KLB785
Do	KLB786
Do	KWA664
OREGON	
Empire Communications Co.	KFL955
Do	KFQ921
Do	KOK419
Do	KON919
Do	KOP306
Do	KOP312
Do	KOP329
Mobile Communications Service, Inc.	KOA264
Oregon Mobile Radio	KOP311
PENNSYLVANIA	
Capitol Radio Communications, Inc.	KGC222
Do	KGI278
Mobile Communications Service, Inc.	KGC398
Charles B. Shafer	KGC397
Charles L. Slocum	KGI770
Telephone Answering Exchange	KGC400
Do	KGC404
RHODE ISLAND	
Joseph Giorgianni	KCA725
TENNESSEE	
Alexander Telephone Answering Service.	KIF653
Chattanooga Mobilphone Co.	KFL916

TENNESSEE—continued Licensee	Call sign
Mahaffey Message Relay	KDT223
R. O. Deaderick Co	KCI808
Radio Call Co	KPJ902
Do	KPJ903
TEXAS	
Beasley Alarm System	KKD286
Bowie Electronics Co	KPJ886
Albert W. Dale, Jr	KLF470
Do	KLF509
Houston Mobilfone, Inc	KKA343
Longview Mobilfone Service	KKN282
Mobilfone	KKA403
Do	KKJ459
Do	KKM254
Racom	KLF523
Radio Dispatch, Inc	KLB678
Do	KLB701
Radio Mobile Phones, Inc	KKC412
Do	KLB322
Radio Paging Service	KKE970
Do	KKQ965
Ratel Communications Co	KKO341
Do	KLB802
Do	KLF477
Two Way Radio, Inc	KKT412
Waco Communications, Inc	KKJ453
Western Communications Service	KKG416
VERMONT	
Telephone Answering Bureau, Inc.	KLF487
VIRGINIA	
Radio Phone Communications, Inc.	KPJ888
Do	KMM684
RCC of Virginia, Inc	KFL659
Do	KPQ938
Do	KIY394
Do	KIY780
Do	KIY783
Do	KLF465
Do	KLF471
WASHINGTON	
Mobile Dispatch Service	KOA734
Radiofone Service	KOA799
Do	KOP265
Joseph N. Thomason	KFL918
Do	KOP261
Do	KUA285
WISCONSIN	
All City Telephone Answering Service, Inc.	KSA266
Do	KSC373
Racine Private Police, Inc	KLF464
Telephone Answering Service	KLF478
Do	KSD318
Margaret Walsh	KSJ762
WYOMING	
E. B. and Donna W. Brownell	KOP254

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference and/or economic competition:

NEW YORK

Polito Communications, Inc.; New; File No. 2588-C2-P-69.
Tel-Page Corp.; KEJ894; File No. 3682-C2-P-69.

The Alaska Communication System; 550 Federal Office Building, Seattle, Wash.; has submitted a request for the following frequencies to provide a public toll telephone service at the locations noted.

APPLICANT: U.S. AIR FORCE

454.55 MHz; 60F9; 10 W; Nikishka, Alaska (60°43′ N., 151°21′ W.) to Tyonek, Alaska (61°04′ N., 151°08′ W.)
459.55 MHz; 60F9; 10 W; Reverse path of above.
76.2 MHz; 60F9; 150 W; Teller, Alaska (65°15′ N., 166°28′ W.) to Tin City, Alaska (65°35′ N., 167°56′ W.).
84.6 MHz; 60F9; 150; Reverse path of above.

The above proposals have been received in the Frequency Registration and Notification Branch of the Frequency Allocation and Treaty Division.

RURAL RADIO SERVICE

4846-C1-P-69—General Telephone Co. of California; (KM096); C.P. to replace transmitter operating on frequency 454.55 MHz at its station located 200 West Church Street, Santa Maria, Calif.

RURAL RADIO SERVICE—continued

4847-C1-P-69—General Telephone Co. of California; (KM097); C.P. to replace transmitter operating on frequency 459.55 MHz at station located 6 miles northeast of Santa Maria, Calif.

4924-C1-P/L-69—Lee Telephone Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequencies: 157.80 and 157.92 MHz (3 units) to operate at any temporary fixed location within the territory of the grantee.

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

4848-C1-P-69—Puerto Rico Communications Authority; (WWR68); C.P. to add frequencies 11,365 and 11,645 MHz toward Cerro Marquesa, P.R., at station located 1314 Ponce de Leon Avenue, San Juan, P.R.

4849-C1-P-69—Puerto Rico Communications Authority; (WWT51); C.P. to add frequencies 11,245 and 11,405 MHz toward Marquesa, P.R., at station located Munoz Rivera No. 28, Caguas, P.R.

4850-C1-P-69—Puerto Rico Communications Authority; (New); C.P. for a new fixed station. Frequencies: 10,795, 10,915, 10,955, and 11,075 MHz. Location: Road 795 (WIPR-TV Transmitter), Aguas Buenas, P.R.

4851-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KTF91); C.P. to add frequency 2163.5 MHz toward Black Rock, N. Mex., at its station located 6 miles north-northeast of Gallup, N. Mex.

4852-C1-P-69—Hawaiian Telephone Co.; (KUR99); C.P. to add frequency 6249.1 MHz toward Humuula, Hawaii, at station located at Leleiwi Point, Leleiwi Point, Hawaii.

4853-C2-P-69—Hawaiian Telephone Co.; (KUS20); C.P. to add frequency 6086.0 MHz toward Huehue, Hawaii, and frequency 5997.1 MHz toward Leleiwi, Hawaii, at its station located 1.8 miles north-northeast of Humuula, Hawaii.

4854-C1-P-69—Hawaiian Telephone Co.; (KUS21); C.P. to add frequency 6338.1 MHz toward Humuula, Hawaii, replace transmitter operating on frequencies 6249.1 and 6367.7 MHz and change antenna system at station located 2.5 miles east of Heuhue, Hawaii.

4855-C1-P-69—Hawaiian Telephone Co.; (KUS23); C.P. to replace transmitter operating on frequencies 5997.1 and 6115.7 MHz at station located at Kamuela, Hawaii.

4856-C1-P-69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 3730 and 3810 MHz. Location: 10 South Canal Street, Chicago, Ill.

4857-C1-P-69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 3770 and 3850 MHz. Location: 2 miles north of Matteson, Ill.

4858-C1-P-69—American Telephone & Telegraph Co.; (KSG64); C.P. to add frequencies 3730 and 3810 MHz toward Matteson, Ill., at its station located 4 miles northeast of Momence, Ill.

5678-C1-R-69—Northwestern Bell Telephone Co.; (KYN35); Renewal of radio station license expiring Feb. 17, 1969. Location: Oahe Dam, 5 miles north-northwest of Pierre, S. Dak.

5003-C1-P/ML-69—General Telephone Co. of Florida; (KIL88); C.P. and modification of license to add frequency 11,485 MHz toward new point of communication Tampa, Fla., and 6160.2 MHz toward St. Petersburg, Fla., and change antenna system at its station located at corner Zack and Morgan Streets, Tampa, Fla.

5004-C1-P/ML-69—California Interstate Telephone Co.; (KMQ70); C.P. and modification of license to add frequency 2112.0 MHz toward new point of communication at Big Pine, Calif., at its station located 350 Lagoon Street, Bishop, Calif.

5005-C1-P/L-69—California Interstate Telephone Co.; (New); C.P. and license for a new fixed station. Frequency: 2162.0 MHz. Location: Dewey Street, Big Pine, Calif.

5023-C1-P-69—Suburban Telephone Co.; (New); C.P. for a new fixed station. Frequency: 2711.5 MHz. Location: Zuni, N. Mex.

5024-C1-P-69—Suburban Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 2113.5 MHz and 2127.5 MHz. Location: 3.5 miles northeast of Blackrock, N. Mex.

4968-C1-P/L-69—Puerto Rico Telephone Co.; (New); C.P. and license for a new developmental fixed station, to operate (2 units) at any temporary fixed location within the territory of the grantee. Frequencies: 3970 and 4030 MHz.

Major Amendment

2166-C1-P-69—Northwestern Bell Telephone Co.; (New); Change geographic coordinates from lat. 40°56'05" N., long. 98°21'25" W. to lat. 40°56'36" N., long. 98°21'25" W. Station location: 2201 North Broadwell Street, Grand Island, Nebr. All other particulars same as reported in public notice dated Oct. 21, 1968, Report No. 410.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4882-C1-P-69—United Video, Inc.; (New); C.P. for new station 6.5 miles southwest of Union, Mo., at lat. 38°23'39" N., long. 91°06'24" W. Frequency 10,735 MHz on azimuth 257°50'.

4883-C1-P-69—United Video, Inc.; (New); C.P. for new station 1.28 miles east-northeast of Belle, Mo., at lat. 38°17'33" N., long. 91°41'54" W. Frequency 11,265 MHz on azimuth 190°41'. (Informative: Applicant proposes to relocate pickup point for television station KETC and provide microwave service to an affiliated system in Rolla, Mo.)

4884-C1-TC-(6)-69—Microrelay of New Mexico, Inc.; Consent to transfer of control from: Bruce Merrill, Transferor to Western Microwave, Inc., Transferee. Stations: KLN76 Corona, N. Mex.; KLN77 Boy Scout Mountain, N. Mex.; KLR72 Cedar Point, N. Mex.; KLR73 Roswell, N. Mex.; KSV93 Albuquerque, N. Mex.; KSV94 Sandia Crest, N. Mex.

4886-C1-TC-(20)-69—West Texas Microwave Co.; Consent to transfer of control from TeleSystems Corp., Transferor to Fred Lieberman & Jack R. Crosby, Transferees. Stations: KKT90 Levelland, Tex.; KKU85 Midland, Tex.; KLR75 Abilene, Tex.; KLU86 Aledo, Tex.; KLU87 Mineral Wells, Tex.; KLU88 near Brad, Tex. (Brackeen Ranch); KLU89 Breckenridge, Tex.; KLU91 Davis, near Albany, Tex.; KTQ80 Sweetwater, Tex.; KTQ81 Colorado City, Tex.; KTR33 Snyder, Tex.; KTR34 Griffins Creek, Tex.; KTR35 Pleasant Valley, Tex.; KYS49 Big Spring, Tex.; KZI25 Lubbock, Tex.; KZI26 Abernathy, Tex.; KZI27 Anson, Tex.; KZI28 Stamford, Tex.; KZS70 Seminole, Tex.; KZS71 Brownfield, Tex.

4885-C1-TC-(41)-69—American Television Relay, Inc.; Consent to transfer of control from Bruce Merrill, Transferor to Western Microwave, Inc., Transferee. Stations: KCG74 Phoenix, Ariz.; KCG75 Chevelon Butte, Ariz.; KGC90 Aden Hill, N. Mex.; KGC91 Lovington, N. Mex.; KGP84 Burro Peak, N. Mex.; KKB98 El Heurfano Peak, N. Mex.; KKT80 Roswell, N. Mex.; KKT81 Mount Powell, N. Mex.; KKT82 Lybrook, N. Mex.; KKT83 Torreon, N. Mex.; KKT84 Sandia Crest, N. Mex.; KKT85 Corona, N. Mex.; KKT86 Boy Scout Mountain, N. Mex.; KLT77 Rimrock, Tex.; KLT78 Guadalupe Mountain, Tex.; KNK38 Blue Ridge Mountain, Calif.; KNK67 Toro Peak, Calif.; KNK68 El Centro, Calif.; KNZ42 Black Mountain, Calif.; KNZ43 Black Mountain, Calif.; KOS63 Heliograph Peak, Ariz.; KOU61 Hutch Mountain, Ariz.; KPH82 Tuba City, Ariz.; KPH83 Jacks Peak, south-southwest of Page, Ariz.; KPK30 Oatman Mountain, Ariz.; KPK31 Telegraph Pass, Ariz.; KPN92 Porter Mountain, Ariz.; KPP93 Tucson, Ariz.; KPS43 Temporary fixed location; KPV76 White Tank Mountain, Ariz.; KPY73 Mingus Mountain, Ariz.; KPY74 Mount Elden, Ariz.; KPZ82 Pinal Peak, Ariz.; KPZ83 Yuma, Ariz.; KRW88 Silver City, N. Mex.; KSV58 Phoenix, Ariz.; KTQ75 Santiago, Calif.; KVH73 El Paso, Tex.; KVH75 Cedar Point, N. Mex.; KVH76 Carlsbad, N. Mex.; KZI36 Black Mesa, Ariz.

4682-C1-ML-69—Pacific Telstronics, Inc.; (KTG38); Modification of license to change frequencies 5997.1 and 6115.7 MHz to 6026.7 and 6145.3 MHz toward Red Bluff, Calif. Station location: Shasta Bally, Calif.

[F.R. Doc. 69-2716; Filed, Mar. 5, 1969; 8:49 a.m.]

[Docket No. 18241 etc.; FCC 69-178]

KFPW BROADCASTING CO. ET AL.

Order Consolidating Hearing and Enlarging Issues

In re applications of George T. Hernreich, trading as KFPW Broadcasting Co., Fort Smith, Ark., Docket No. 18241, File No. BPH-6180; George T. Hernreich, trading as KZNG Broadcasting Co., Hot Springs, Ark., Docket No. 18387, File No. BPH-6186; Christian Broadcasting Co., Hot Springs, Ark., Docket No. 18388, File No. BPH-6249; for construction permits.

1. The Commission has before it: (a) the orders designating these matters for hearing, FCC 68-705 and FCC 68-1145, released July 11, 1968, and December 5, 1968, respectively; (b) a petition for partial reconsideration filed December 26, 1968, by George T. Hernreich, trading as KZNG Broadcasting Co., the Broadcast Bureau's opposition thereto, filed January 8, 1969, and Hernreich's reply filed January 15, 1969; and (c) a petition to consolidate proceedings filed December 13, 1968, by the Broadcast Bureau, the opposition thereto of George T. Hernreich, trading as KFPW Broadcasting Co., filed January 2, 1969, and the Bureau's reply, filed January 14, 1969.

2. Hernreich's application for an FM broadcast station at Hot Springs, Ark., was designated for hearing (FCC 68-1145, released Dec. 5, 1968), inter alia, on a "hypo-ing" issue. Hernreich's petition for partial reconsideration requests deletion of the "hypo-ing" issue.[1] We have received information from Hernreich and other sources that Hernreich's AM station in Hot Springs conducted special promotions and contests during the taking of an audience survey in order to improve artificially its ratings. Although Hernreich claims in his present petition that there is no basis for the "hypo-ing" issue, he admits that contests were run during the rating period and that the survey results may have been mentioned to advertisers. In view of these unresolved questions, we are convinced that a hearing must be held on the "hypo-ing" issue and that Hernreich's petition must be denied.

3. Noting that Hernreich's application for an FM station in Fort Smith, Ark., does not involve a "hypo-ing" issue, the Broadcast Bureau requests consolidation of the two proceedings so that the questions bearing on Hernreich's qualifications to be a licensee can be resolved before either proposal is granted. Although Hernreich opposes consolidation as unnecessary and unduly burdensome, we are persuaded that the Bureau's request should be granted. It would be inappropriate, in any event, to grant the Fort Smith proposal without full consideration of these "hypo-ing" allegations. Since the "hypo-ing" issue has a bearing on both proceedings and since consolidation will eliminate the need for duplicated evidentiary showings and will expedite the proper dispatch of our business, we shall grant the Bureau's request and apply the "hypo-ing" issue to both of Hernreich's proposals. In view of the facts that no evidence has been taken in either proceeding and that no significant delay would be required, we shall also direct the Chief Hearing Examiner to appoint a single presiding officer for both cases.

4. *Accordingly, it is ordered*, That the petition for partial reconsideration, filed December 26, 1968, by George T. Hernreich, trading as KZNG Broadcasting Co., is denied; and

5. *It is further ordered*, That the petition to consolidate proceedings, filed December 13, 1968, by the Broadcast Bureau, is granted, and that Docket No. 18241 is consolidated with Dockets Nos. 18387 and 18388;

6. *It is further ordered*, That the issues designated for hearing in Docket No. 18241 are enlarged by the addition of the following issue:

To determine whether and, if so, the extent to which KZNG Broadcasting Co. conducted special contests or promotions in order to improve artificially its ratings, and in light of the evidence thus adduced, whether George T. Hernreich, trading as KFPW Broadcasting Co., possesses the requisite qualifications to obtain the requested authorization; and

7. *It is further ordered*, That the Chief Hearing Examiner is directed to appoint a single presiding officer for this consolidated proceeding.

Adopted: February 26, 1969.

Released: Februray 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2717; Filed, Mar. 5, 1969; 8:49 a.m.]

[1] The petition for partial reconsideration is, in effect, a motion to delete issues, which properly should have been addressed to the Review Board. Cf., Cosmos Broadcasting Corp., 10 FCC 2d 592 (1967). We are retaining jurisdiction, however, only because the Broadcast Bureau's related petition for consolidation requires our attention.

[1] Commissioners Robert E. Lee and H. Rex Lee absent. Commissioner Cox abstaining from voting. Commissioner Johnson concurring in the result.

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, Calif. 94607.

Agreement No. T-2270 between the City of Oakland and Sea-Land Service, Inc. (Sea-Land), is a 4-year lease of certain premises at Oakland, Calif., which Sea-Land will use for establishing and maintaining general offices and a truck and rail terminal. Rental will be a fixed monthly sum for the land, plus an additional sum for the truck and rail terminal. Provision is made for an adjustment in rental dependent upon additional construction costs.

Dated: March 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2711; Filed, Mar. 5, 1969; 8:49 a.m.]

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic & Gulf Freight Conference, C.P.O. Box 94, Tokyo, Japan.

Agreement No. 3103-36 would modify the basic agreement of the Japan-Atlantic & Gulf Freight Conference by deleting certain language from Article 25 (h) (6). Article 25 relates to the "Neutral Body" system; subsection (h) is concerned with "Review by Arbitration"; sub-subsection (6) "Finality of Arbitrators' Decision" now specifies that "The decisions of the arbitrators shall be final, binding and conclusive subject only to an appeal to the Federal Maritime Commission on the ground that enforcement of the arbitration award constitutes a violation of the Shipping Act, 1916." The proposed modification would delete everything after the word conclusive. Approval under section 15 of the Shipping Act, 1916, has been requested.

Dated: March 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2712; Filed, Mar. 5, 1969; 8:49 a.m.]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Guy L. Retournat, Secretary, Marseilles North Atlantic U.S.A. Freight Conference, 10, Place de la Joliette, Marseille 2, France.

Agreement No. 5660-12 between the member lines of the Marseilles North Atlantic U.S.A. Freight Conference amends Article 13 of the basic agreement to provide for the apportionment of Conference expenses on the basis of 50 percent in equal shares and 50 percent on tonnages carried by the member lines during each accounting period.

Dated: March 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2713; Filed, Mar. 5, 1969; 8:49 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Second Floor, Sumitomo Seimei Yaesu Building, 3, 4-Chome Yaesu, Chuo-Ku, Tokyo 104, Japan.

Agreement No. 150-39 would modify the basic agreement of the Trans-Pacific Freight Conference by deleting certain language from Article 25(h)(6). Article 25 relates to the "Neutral Body" system; subsection (h) is concerned with "Review by Arbitration"; sub-section (6) "Finality of Arbitrators Decision" now specifies that "The decisions of the arbitrators shall be final, binding and conclusive subject only to an appeal to the Federal Maritime Commission on the ground that enforcement of the arbitration award constitutes a violation of the Shipping Act, 1916." The proposed modification would delete everything after the word conclusive. Approval under section 15 of the Shipping Act, 1916, has been requested.

Dated: March 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2714; Filed, Mar. 5, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

FEBRUARY 28, 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 March 1, 1969, through March 10, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2686; Filed, Mar. 5, 1969; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 3, 1969, through March 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*

[F.R. Doc. 69-2687; Filed, Mar. 5, 1969; 8:47 a.m.]

DUMONT CORP.

Order Suspending Trading

FEBRUARY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 1, 1969, through March 10, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2688; Filed, Mar. 5, 1969; 8:47 a.m.]

[811-877]

ELECTRONICS CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 27, 1969.

Notice is hereby given that Electronics Capital Corp. ("ECC"), 111 East 38th Street, New York, N.Y. 10016, a Massachusetts corporation 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., has filed an application pursuant to section 8(f) of the Act for an order declaring that ECC has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3(a)(1) of the Act defines as an investment company a company which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

Section 3(a)(3) of the Act further defines as an investment company a company which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The term "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

ECC was incorporated in April 1959 and was licensed as a small business investment company under the Small Business Investment Act of 1958. At a stockholders meetings in December 1967 the stockholders of ECC approved the surrender of the company's license as a small business investment company, the change in the nature of the company's business from that of an investment company to that of a holding and/or operating company, and application for deregistration as an investment company under the Act. On January 10, 1968, ECC surrendered its license as a small business investment company. Since that time, ECC has disposed of a number of its holdings of investment securities, has increased its holdings of securities of Cypress Communications Corp. ("Cypress"), and, on January 28, 1969, acquired 98 percent of the common shares of Capital Bancorporation ("Capital"). In addition, a new president and other executive officers of ECC have been appointed, who have participated and will continue to participate actively in the management of ECC's subsidiaries.

ECC represents that it is no longer an investment company as defined in the Act. It states that, as of December 31, 1968, after adjustments to give effect to the disposition of certain investment securities and the acquisition of shares of Capital in January 1969, ECC's total assets (exclusive of cash items and government securities) had a value of $46,151,213, of which $32,081,976, or 69.5 percent, represented the value of ECC's investments in its four majority-owned subsidiaries, and the remaining 30.5 percent represented ECC's holdings of investment securities. ECC's investments in its majority-owned subsidiaries were as follows:

	Percent of voting securities owned	Value of ECC's investment
Capital Bancorporation	98	$16,748,612
Cypress Communications Corp.	51	12,540,222
Darcy Industries, Inc.	70	2,000,000
Ultronix, Inc.	80	793,142
		32,081,976

Capital is a holding company, of which the principal assets are its holdings of 98 percent of the stock of St. Clair Savings Association, a savings and loan association, and 98 percent of the stock of The Capital National Bank, a commercial bank and trust company. In addition Capital owns all the stock of two real estate management companies.

Cypress is principally engaged in the community antenna television business. Darcy Industries, Inc., and its wholly owned subsidiary, Behlman-Invar Inc., are engaged in the manufacture and sale of electronic equipment. Ultronix, Inc., is a manufacturer of resistors and ceramic capacitors.

Notice is further given that any interested person may, not later than March 12, 1969, at 5:30 p.m., submit to the Commission in writing a request for

a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon ECC at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69–2689; Filed, Mar. 5, 1969; 8:47 a.m.]

[812–2410]

HARTFORD MUTUAL INVESTMENT FUND, INC.

Notice of Filing of Application for Exemptions From Certain Provisions of the Act

FEBRUARY 27, 1969.

Notice is hereby given that Hartford Mutual Investment Fund, Inc. ("Applicant"), c/o Society for Savings, 31 Pratt Street, Hartford, Conn. 06101, an open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a–1 et seq., has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from certain provisions of sections 14(a), 20(a), 22(d), 22(e), and 24(d) of the Act and Rule 20a–1 thereunder and granting temporary exemptions from sections 15(a), 16(a), and 32(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was organized on September 30, 1968, under the general incorporation laws of the State of Connecticut for the purpose of qualifying as an investment company under section 36–96 (12) of the Connecticut General Statutes, to serve as an investment medium for mutual savings banks in Connecticut.

Applicant is subject to the following fundamental limitations prescribed by the Connecticut Statutes:

(a) Applicant must be registered under the Act;

(b) All of Applicant's shares must be owned by savings banks organized under the laws of the State of Connecticut and doing business there;

(c) Applicant's assets must be invested only in such investments as permitted by section 36–96(12) and section 36–96 (2) through (9) inclusive, of the Connecticut General Statutes;

(d) The amount of stock of any corporation which Applicant may hold cannot exceed 5 percent of the total number of shares of such corporation outstanding at the time of investment by Applicant, provided, at the time of investment the amount invested by Applicant in the shares of any corporation shall not exceed 10 percent of Applicant's total assets;

(e) The total investment of any Connecticut savings bank in the stock of Applicant may not exceed 25 percent of its surplus and profit and loss.

Applicant alleges that it will inform the Bank Commissioner of Connecticut on all aspects of Applicant's affairs so that he can determine if Applicant's affairs are being conducted in accordance with the applicable Connecticut Statute.

Shares of stock to be issued by Applicant will be owned only by Connecticut savings banks. Applicant is presently managed by a Board of Directors consisting of savings bankers whose banks will own stock in Applicant. It will contract for custodial, transfer agent and dividend disbursing services with Hartford National Bank and Trust Company of Hartford, Conn., and for advisory services with Lionel D. Edie & Co., Inc., of the city of New York.

Applicant will not use an underwriter; it is contemplated that a savings bank desiring to participate in the initial offering of Applicant's stock may place an order directly with the transfer agent at a price of $100 per share. Thereafter, each such bank may purchase shares in the same manner at the then current net asset value per share. Redemptions will be effected in a similar manner, except for a redemption charge presently fixed at $0.75 per share.

Applicant requests exemption from the following provisions of the Act to the extent stated below:

From section 14(a) of the Act, which, in pertinent part, requires a registered investment company to have a net worth of at least $100,000 before offering its securities. Applicant states it has commitments from four banks for the purchase of 5,000 shares of its stock at an aggregate price of $500,000. Applicant states that inasmuch as it is seeking an exemption from the registration requirements under the Securities Act of 1933 (infra) it would not, if such exemption is granted, meet the literal requirements of section 14(a)(3) of the Act.

From section 20(a) and Rule 20a–1 thereunder which set forth requirements concerning the format and content of proxies and proxy statements used in the solicitation of proxies, consents or authorizations with respect to securities of registered investment companies. Applicant states that each Connecticut savings bank which invests in shares of Applicant will be well informed concerning the activities of Applicant and it is expected that only savings bankers will serve as officers and/or directors of Applicant from time to time. Applicant alleges that in view of the shareholders' knowledge of the conduct of Applicant's business, compliance with the proxy rules and regulations would not provide any corresponding benefit to its shareholders;

From section 22(d) insofar as it may require that the issuance of securities be through an underwriter or be accompanied by a prospectus. In support of its request Applicant states that each Connecticut savings bank is an experienced institutional investor and the Applicant's shares of stock provide a common investment only for such banks. Before accepting a first order from any bank, Applicant will provide it with various documents, including a copy of its registration statement under the Act on Form N–8B–1;

From section 22(e) which provides, as here pertinent, that no registered investment company shall suspend the right of redemption or postpone payment for shares redeemed for more than 7 days after tender.

Applicant's bylaws provide that the payment of the redemption price of shares may be postponed in part for more than 7 days from their delivery if the shares covered by the holder's notice of redemption exceed 200 or 10 percent of its shares, whichever amount is greater. In case of such an excess, payment for the greater of 200 shares or the 10 percent amount will be made within 7 days but payment for the excess shares shall be made in consecutive daily installments equal to the initial payment except that the final installment will be in such lesser amount as is necessary to complete payment.

In support of this exemption, Applicant states that the Connecticut savings banks holding Applicant's shares may be influenced toward a common investment policy as a result of prevailing conditions or unusual occurrences. The possibility exists that substantial requests for redemption may be made at or about the same time. Applicant's organizers have, therefore, concluded that it is desirable that the directors be given some discretion with respect to the liquidation of assets necessary to meet redemptions when extraordinary conditions require adoption of an emergency measure;

From section 24(d) of the Act which renders inapplicable to investment companies the "intra-state" offering exemption from the registration provisions of the Securities Act of 1933 contained in section 3(a)(11) thereunder. Applicant alleges that such exemption would be available to it were it not for section 24 (d) of the Act. It alleges further that inasmuch as it may offer and sell its securities only to the 69 Connecticut savings banks, and has been organized to provide

such banks with a common investment medium, registration under the Securities Act should not be required.

Applicant also requests temporary exemptions from sections 15(a), 16(a), and 32(a) of the Act. These sections provide, respectively, for (i) shareholder approval of investment advisory contracts, (ii) shareholder election of directors and (iii) shareholder ratification of the selection of independent public accountants. Applicant will not have any shareholders until this application is granted. It requests exemption only until its first annual shareholder's meeting in March or April 1969 at which time the above three matters will be submitted to shareholders.

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

Notice is further given that any interested pesron may, not later than March 20, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2690; Filed, Mar. 5, 1969; 8:47 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

FEBRUARY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., 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 March 1, 1969, through March 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2691; Filed, Mar. 5, 1969; 8:47 a.m.]

MICROBIOLOGICAL SCIENCES, INC.

Order Suspending Trading

FEBRUARY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Microbiological Sciences, 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 March 2, 1969, through March 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2692; Filed, Mar. 5, 1969; 8:47 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

FEBRUARY 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., 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 February 28, 1969, through March 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2693; Filed, Mar. 5, 1969; 8:47 a.m.]

[812-2464, 812-2465]

VARIABLE ANNUITY LIFE INSURANCE COMPANY OF AMERICA

Notice of Filing of Application for Order Exempting Proposed Transaction From Provisions of Act and Application for Order

FEBRUARY 27, 1969.

Notice is hereby given that Variable Annuity Life Insurance Company of America ("Applicant"), 1717 Pennsylvania Avenue NW., Washington, D.C. 20006, an open-end diversified, management investment company registered under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 *et seq.* ("Act"), has filed applications for orders pursuant to sections 17(b) and 17(d) of the Act, and Rule 17d-1 thereunder exempting from the provisions of section 17(a) of the Act, and permitting pursuant to section 17(d) of the Act, certain transactions between Applicant and American General Insurance Company of Houston, Tex. ("American General"), involving the stock of The Variable Annuity Life Insurance Company, of Houston, Tex. ("Valic Texas"). American General, through its 98.6 percent ownership of Maryland Casualty Co., owns, indirectly, approximately one-half of Applicant's outstanding stock. All interested persons are referred to the applications on file with the Commission for a statement of Applicant's representations which are summarized below.

Pursuant to a formal decision of the board of directors of Applicant to change its domicile from the District of Columbia to Texas, and approval by stockholders and variable annuity contract owners at their July 31, 1968, annual meeting, Applicant, in August 1968, organized Valic Texas of which Applicant owns all of the 100,000 shares issued and outstanding. Applicant and Valic Texas entered into an agreement dated October 21, 1968, providing for the transfer of Applicant's assets to Valic Texas; the total reinsurance by Valic Texas of all the variable and fixed annuity contracts and life insurance policies of Applicant; the assumption of all other obligations of Applicant; and the issuance to Applicant of all the outstanding stock of Valic Texas. However, Applicant alleges that this agreement was amended due to the position of the Superintendent of Insurance for the District of Columbia that the acquisition and ownership of 100,000 shares of the capital stock of Valic Texas is not a legal investment for an insurance company domiciled in the District of Columbia.

As a result of such position, Applicant, on January 27, 1969, entered into a "Purchase and Sale Agreement" with American General which provides that subject to approval by the Commission, Applicant will sell the outstanding 100,000 shares of Valic Texas stock to American General for $200,000, the cost to Applicant. The agreement further provides that these 100,000 shares plus an additional 100,000 shares, which American General is to acquire from Valic Texas for $500,000 prior to the effectiveness of the reinsurance agreement, will be resold to Applicant, at cost, for an aggregate cash price of $700,000, simultaneously upon the effectiveness of such reinsurance agreement. The application states that the parties have determined that $700,000 is the amount required by Valic Texas for organizational purposes. Applicant alleges that the agreements presently in effect will produce the same results in all material respects as would have been produced by the operation of the agreement of October 21, 1968. In the event that the transaction of total reinsurance is not effected prior to January 31, 1970, American General would be required to cause the dissolution of Valic Texas and the surrender of its licenses and franchises.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such affiliated person, from selling any security to or purchasing any security from such registered investment company. The Commission, upon application pursuant to section 17(b) of the Act, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

American General is an affiliated person of Applicant by reason of its approximate 50 percent interest in Applicant; therefore, the requested orders pursuant to sections 17(b) and 17(d) and Rule 17d–1 are necessary before Applicant and American General may effectuate the proposed transactions.

Applicant states that the proposed transaction with American General is not of a substantive nature, but rather a matter of form necessitated by the technical requirements of the District of Columbia Insurance Code. Applicant alleges that American General is serving as an accommodation party without possibility of profit, in order to effect a change in Applicant's domicile.

Applicant alleges that American General has agreed that during the period in which American General holds any stock of Valic Texas, the assets of Valic Texas will be used only to purchase securities required by insurance regulatory authorities for purposes of deposits; to purchase U.S. Government securities and certificates of deposit for purposes of investment; to pay incidental expenses; to pay state licensing fees; and possibly to reimburse Valic Washington for State licensing fees already paid by it. American General has also agreed that during the period in which it holds any stock of Valic Texas none of the latter's assets will be transferred to or be otherwise acquired by or be permitted to inure to the benefit of American General, except in the event that American General is required to fulfill its agreement to dissolve Valic Texas if the effectiveness of the reinsurance agreement has not taken place by January 31, 1970.

Applicant asserts that the change in domicile would be in the best interests of all parties, due to anticipated administrative and operating economies achieved through locating Applicant's home office in close proximity to that of American General. Furthermore, Applicant would, it alleges, avoid various retaliatory state premium taxes to which it is presently subject as a District of Columbia company, as well as benefit from recently enacted variable annuity provisions by the state of Texas.

Notice is further given that any interested person may, not later than March 14, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69–2694; Filed, Mar. 5, 1969; 8:47 a.m.]

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

FEBRUARY 28, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 3, 1969, through March 12, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69–2695; Filed, Mar. 5, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1274]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 28, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, 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.

No. MC 989 (Sub-No. 15), filed January 16, 1969. Applicant: IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Kansas City, Kans./Mo., commercial zone and Ogallala, Nebr., from points in the Kansas City, Mo.-Kans., commercial zone as defined by the Commission over Interstate Highway 29 to its intersection with U.S. Highway 36, thence west over U.S. Highway 36 to its intersection with U.S. Highway 75, thence north over U.S. Highway 75 to its intersection with U.S. Highway 34, thence west over U.S. Highway 34 to its intersection with U.S. Highway 281 to its intersection with U.S. Highway 30, thence west over U.S. Highway 30 to Ogallala, Nebr., and return over the same route with service to intermediate points of Lincoln and those on U.S. Highway 30 between Grand Island and Ogallala, Nebr., including Grand Island and Ogallala, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 1124 (Sub-No. 217) (Correction), filed January 2, 1969, published February 6, 1969, corrected and republished in part, as corrected this issue. Applicant: HERRIN TRANSPORTATION CO., a corporation, 2301 McKinney Avenue, Houston, Tex. 77001. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. * * * (4) between junction U.S. Highway 31 and Alabama Highway 41 at or near Brewton, Ala., and junction Florida Highway 87 and U.S. Highway 90 at or near Milton, Fla., over Alabama Highway 41 to the Alabama-Florida State line, thence over Florida Highway 87 to junction U.S. Highway 90, and return over the same route, serving no intermediate points and serving junction U.S. Highway 31 and Alabama Highway 41 and junction Florida Highway 87 and U.S. Highway 90, as points of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. NOTE: The purpose of this republication is to show the correct highway designation as Florida Highway 87 in lieu of Florida Highway 81 as previously published. The rest of the application remains as previously published.

No. MC 2202 (Sub-No. 366), filed February 6, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's representatives: Douglas Faris (same address as above), and William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the commission, commodities in bulk and those requiring special equipment), between Terre Haute, Ind., and Decatur, Ill.; (1) from Terre Haute over U.S. Highway 150 to Paris, Ill., thence over Illinois Highway 133 to junction Illinois Highway 32, thence over Illinois Highway 32 to junction U.S. Highway 36, thence over U.S. Highway 36 to Decatur and return over the same route, as an alternate route serving no intermediate points; (2) from Terre Haute over U.S. Highway 150 to Mattoon and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (3) from Mattoon over Illinois Highway 121 to Decatur and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 53), filed February 14, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the manufacture, production, distribution, and sale of such commodities (except commodities in bulk), between Pennsville, N.J., on the one hand, and, on the other, points in Florida. NOTE: Applicant states that tacking to an extent is possible to and from points in the northeastern United States. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 3460 (Sub-No. 6), filed February 7, 1969. Applicant: MORAN TRUCKING CO., INCORPORATED, McCoole Road, Post Office Drawer E, Westerport, Md. 21562. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Luke, Md., to Versailles, Ky. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 462), filed February 5, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to optrate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from the plantsite of Lufkin Foundry & Machine Co., approximately 7 miles south of Lufkin, Tex. (Angelina County), to points in the United States including Alaska but ex-

cluding Hawaii and (2) *tractors*, in secondary movements in driveaway service only when drawing trailers in initial movements, from plantsite of Lufkin Foundry & Machine Co. approximately 7 miles south of Lufkin, Tex. (Angelina County), to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 8948 (Sub-No. 83), filed January 6, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 28 Street, Los Angeles, Calif. 90058. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation), *ammunition* not included in classes A, B, and C explosives, and *component parts* of ammunition and classes A, B, and C explosives, (1) regular and irregular routes: between points and territories and over the regular and irregular routes which applicant is certificated for the transportation of general commodities, in Docket No. 8948 and all effective subs thereto. Subject to all route restrictions, if any, as otherwise specified in said certificates. (2) (a) between Dublin, Calif., and Concord (Port Chicago), Calif., and (b) between Dallas, Tex., and Doyline, La. NOTE: Applicant presently is authorized to transport general commodities, with certain exceptions which exclude from transportation all or part of the commodities proposed to be transported herein, between points on the proposed routes and territories, except the proposed extension of service (1) between Dublin, Calif., and Concord (Port Chicago), Calif., and (2) between Dallas, Tex., and Doyline, La. The applicant proposes to utilize the authority sought herein in combination with authorities reflected in its base certificate, Docket No. MC 8948, and Sub-Nos. 35, 39, 44, 49, 55, and 69 thereof, which presently authorize the explosives service herein proposed, so as to provide a complete service over all presently-authorized general commodity and explosives regular, irregular and alternate routes, and, in addition thereto, extend its service to Concord, Calif., and Doyline, La., as to which it presently holds no explosives or general commodity authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 28307 (Sub-No. 16), filed December 18, 1968. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 North Graham, Charlotte, N.C. 28206. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. 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), (1) between Blowing Rock and Lenoir, N.C., over U.S. Highway 321, serving no intermediate points, as an alternate route for operating convenience only, (2) between Marion and Polkville, N.C., over North Carolina Highway 226, serving no intermediate points, as an alternate route for operating convenience only, (3) between North Wilkesboro and Statesville, N.C., over North Carolina Highway 115, serving no intermediate points, as an alternate route for operating convenience only, (4) between North Wilkesboro and Harmony, N.C., from North Wilkesboro over North Carolina Highway 115 to junction North Carolina Highway 901, thence over North Carolina Highway 901 to Harmony, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, (5) between Linville, N.C., and junction U.S. Highway 221 and North Carolina Highway 105, over North Carolina Highway 105, serving all intermediate points, and (6) between Linville, N.C., and junction U.S. Highway 221 and North Carolina Highway 105, over U.S. Highway 221, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 30837 (Sub-No. 363), filed February 5, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stump removers and parts and attachments* therefor, from Pomona, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 265) (Correction), filed January 31, 1969, published FEDERAL REGISTER, issue of February 20, 1969, and republished this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, rods or tubing*, from Millville, N.J., to Broken Bow, Columbus, and Holdrege, Nebr. NOTE: The purpose of this republication is to show that origin point Millville is located in New Jersey and not New Hampshire. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Waterloo, Iowa, or Washington, D.C.

No. MC 33037 (Sub-No. 11), filed February 12, 1969. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Ames, Iowa, to points in Kansas and Nebraska. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 37327 (Sub-No. 5), filed January 31, 1969. Applicant: PENN EMPIRE TRANSPORT, INC., 253 Blackstone Avenue, Jamestown, N.Y. 14701. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*: (1) from points in Chautauqua and Cattaraugus Counties, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and Virginia (except from Jamestown, N.Y., to Baltimore, Md., points in New Jersey, Connecticut, Rhode Island, and Massachusetts; and from points in Chautauqua and Cattaraugus Counties, N.Y., to Camden, N.J., points in Hudson, Essex, and Passaic Counties, N.J.); and (2) from Youngsville, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Jamestown, N.Y.

No. MC 41404 (Sub-No. 81), filed February 2, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, lard, tallow, salad dressings, salad oils, table sauces, table spreads, and products made with vegetable oils and/or animal fats*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Ill., to points in that portion of Indiana which embrace the Chicago, Ill., commercial zone as defined by the Commission, the Upper Peninsula of Michigan, Minneapolis and St. Paul, Minn., and Wisconsin, restricted against the transportation of the above-described commodities in liquid form, in tank vehicles. NOTE: Common control and dual operations may be involved. Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed neces-

sary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 44447 (Sub-No. 25), filed February 7, 1969. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Columbus, Ohio 43215. 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, serving the plantsite of the International Nickel Co., Inc., Huntington Alloy Products Division, located in Boyd County, Ky., on U.S. Highway 23 (approximately 11 miles south of Catlettsburg, Ky.), as an off-route point in connection with applicant's authorized regular route operations to and from Catlettsburg, Ky., and Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 47583 (Sub-No. 8), filed February 5, 1969. Applicant: ED HOLESTINE TRUCK LINES, INC., 41 Lyons Avenue, Kansas City, Kans. 66118. Applicant's representative: G. M. Rebman, 1230 Boatmen Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials, insulating materials, and materials used in the installation and application of building, roofing, and insulating materials*, between points in the Kansas City, Mo.-Kansas commercial zone, on the one hand, and, on the other, points in Oklahoma and Nebraska. NOTE: Applicant states that it intends to tack with its presently held authority, whereas it is authorized to operate to points in Missouri, Kansas, Oklahoma, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 50493 (Sub-No. 42), filed February 3, 1969. Applicant: P. C. M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. Applicant's representative: Frank A. Doocey, 601 Hamilton Street, Allentown, Pa. 18101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk and in bags, between points in Lehigh County, Pa., and points in New Jersey and New York. NOTE: (1) Applicant states it presently holds authority to transport the subject commodity of points in Northampton and Lehigh Counties, Pa., and points in New Jersey within 100 miles between Northampton and Lehigh Counties, Pa., and that it will decline authority where duplication is involved; (2) applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted; and (3) applicant holds contract carrier authority in MC 115859 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 51146 (Sub-No. 125), filed February 3, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, (1) from Green Bay, Wis., and Rockford, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia, (2) from Green Bay, Wis., to Chicago and Rockford, Ill., and Hopkins, Minn., and (3) from Rockford, Ill., to Green Bay, Janesville, La Crosse, and Madison, Wis. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61825 (Sub-No. 34), filed February 5, 1969. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, Va. 24078. Applicant's representative: J. C. Wilson, Post Office Box 872, Martinsville, Va. 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (clay, rock, slag, or glass wool) and *mineral wool products*, from Birmingham and Leeds, Ala., to points in North Carolina, South Carolina, and Virginia. NOTE: Applicant states it would tack at Lynchburg, Va., for service to Maryland and the District of Columbia. Common control may be involved. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No MC 63860 (Sub-No. 3), filed February 14, 1969. Applicant: BENNETT TRUCKING CORP., 845 Grand Street, Brooklyn, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery*, and *confectionery products* (except commodities in bulk, in tank vehicles), and *advertising matter, premiums, prizes, novelties, and display materials*, distributed in connection with the aforementioned commodities, between New York, N.Y., on the one hand, and, on the other, Nassau, Suffolk, and Westchester Counties, N.Y., restricted to shipments having a prior or subsequent movement by motor carrier. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76032 (Sub-No. 236), filed February 7, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, heavy machinery, livestock, fresh fish, coal ore, sand, gravel, and household goods as defined by the Commission), between Omaha, Nebr., and Kansas City, Mo., from Omaha over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 29 at St. Joseph, Mo., thence over Interstate Highway 29 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Restriction: Carrier shall not transport (1) traffic originating at points in Omaha, Nebr., commercial zone and destined to points in the Kansas City, Mo., commercial zone; or (2) traffic originating at points in the Kansas City, Mo., commercial zone and destined to points in the Omaha, Nebr., commercial zone. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 78042 (Sub-No. 18), filed February 7, 1969. Applicant: BEAROFF BROTHERS, INC., Post Office Box 21, Bridgeport, Pa. 19405. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth, sand, stone, coal, and brick*, from points in New Jersey, Delaware, and Maryland to the plantsites of Alan Wood Steel Co. in Plymouth Township and Upper Merion Township, Montgomery County, Pa. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 82841 (Sub-No. 54), filed February 6, 1969. Applicant: R–D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pennington County, S. Dak., to points in Nebraska, Iowa, Illinois, Wisconsin, Indiana, Missouri, Kansas, and Oklahoma. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant re-

quests it be held at Rapid City, S. Dak., Cheyenne, Wyo., or Denver, Colo.

No. MC 83539 (Sub-No. 238), filed February 5, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power sweepers, cleaners, flushers, brush clippers, stump removers, attachments, parts and equipment, and accessories used in connection therewith*, from points in Los Angeles County, Calif., to points in the United States (except Alaska, California, Hawaii, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 102567 (Sub-No. 130), filed February 14, 1969. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it intends to tack with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103051 (Sub-No. 227), filed February 13, 1969. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue, North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Sylvania, Ga., to points in South Carolina. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103880 (Sub-No. 406), filed February 6, 1969. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from the international boundary line between the United States and Canada at Sarnia, Ontario, and Port Huron, Mich., to points in Georgia, North Carolina, and Tennessee. NOTE: Applicant states the purpose of this instant application is to eliminate the gateway of Midland, Mich. Applicant presently holds authority under its Sub 93 to provide service from the ports of entry to Midland, Mich., under its Sub 367 it may provide service to North Carolina and Georgia and under its Sub 103 to provide service to Tennessee. Applicant further states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 105865 (Sub-No. 2), filed February 12, 1969. Applicant: ALVIN SMART, Summerfield, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Ames, Iowa, to points in Kansas and Nebraska. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106278 (Sub-No. 32), filed February 11, 1969. Applicant: E. B. LAW AND SON, INC., Post Office Box 1381, 300 South Eighth Street, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, in bulk, in tank vehicles, and in solid form (dry ice) in both carrier-owned and shipper-owned vehicles, from points in Harding County, N. Mex., to points in Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming, and *empty trailers*, on return. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 107515 (Sub-No. 641), filed February 19, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Plymouth, N.C., to points in Louisiana, Texas, Arkansas, Oklahoma, Kansas, Missouri, Iowa, Nebraska, Illinois, Minnesota, and Indiana, restricted to traffic originating at the plantsite and warehouse facilities utilized by the Weyerhaeuser Co., at Plymouth, N.C. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Atlanta, Ga.

No. MC 108046 (Sub-No. 6), filed February 17, 1969. Applicant: CURATOLA BROS. TRUCKING, INC., 142–82 Rockaway Boulevard, South Ozone Park, N.Y. 11420. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Woodbridge, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., under contract with Abraham and Straus, and Aimcee Wholesale Corp., Divisions of Federated Department Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109612 (Sub-No. 22), filed February 14, 1969. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of meat and meat products, from Chicago, Ill., to Muncie, Ind. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 110193 (Sub-No. 165), filed February 17, 1969. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Description in Motor Carriers Certificate*, 61 M.C.C. 209 and 766, from the plantsite or storage facilities utilized by John Morrell & Co., at or near Ottumwa, Iowa, to points in New York, New Jersey, Maryland, Pennsylvania, Maine, New Hampshire, Vermont, Delaware, Ohio, Virginia, West Virginia, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite or storage facilities utilized by John Morrell & Co., at or near Ottumwa, Iowa. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110525 (Sub-No. 890) (Clarification), filed January 3, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished as clarified, this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as ap-

plicant) and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: The purpose of this republication is to add the phrase "in bulk", to the commodity description which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 110683 (Sub-No. 54), filed February 11, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of The International Nickel Co., Inc., Alloy Products Division located approximately 11 miles south of Catlettsburg, Ky., and approximately 15 miles north of Louisa, Ky., on U.S. Highway 23 at or near Burnaugh, Ky., as an off-route point in connection with applicant's presently authorized operations to or from Ashland and Catlettsburg, Ky., and Huntington, W. Va., serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 55), filed February 10, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Amburgo Manufacturing Co., Inc., at or near Hope, Ind., as an off-route point in connection with applicant's presently authorized regular route operations to and from Columbus, Greenville, and Shelbyville, Ind., serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110923 (Sub-No. 7) (Correction), filed January 29, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished as corrected this issue. Applicant: ALBERT LIVEK, doing business as AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill. 61443. Applicant's representative: Edward M. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery;* (2) *tractors* (except those with vehicle beds, bed frames, or fifth wheels), including lawn or garden tractors and tractors and tractor excavating, grading, or loading attachments, combined; (3) *attachments and accessories* for, and equipment designed for use with, the foregoing articles; and (4) *twine*, from West Chicago, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsites, of or storage or distribution facilities used by, International Harvester Co., at West Chicago, Ill. NOTE: The purpose of this republication, is to include "and tractors" in the commodity description in (2) above. If a hearing is deemed necessary, application requests it be held at Chicago, Ill.

No. MC 111785 (Sub-No. 41), filed February 19, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pocahontas County, W. Va., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Washington, D.C. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 209), filed February 6, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Topeka, Kans., to Nashville and Chattanooga, Tenn. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113624 (Sub-No. 51), filed February 3, 1969. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, Colo. 81002. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer, and fertilizer ingredients*, from the plantsite or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 336) (Amendment), filed December 30, 1968, published FEDERAL REGISTER issue of January 24, 1969, amended January 31, 1969, and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from plantsite and/or storage facilities of John Morrell & Co. at Ottumwa, Iowa, to points in Ohio, Pennsylvania, Michigan, New York, Maryland, District of Columbia, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, West Virginia, Virginia, New Jersey, and Delaware. NOTE: The purpose of this republication is to amend the origin point. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113843 (Sub-No. 146) (Correction) filed January 22, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, corrected and republished as corrected this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in Arkansas, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, and Texas. NOTE: The purpose of this republication is to show the origin point as Detroit, Mich., in lieu of Detriot, Mich., inadvertently shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 189), filed February 4, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Classes A and B explosives*, when moving on Government bills of lading, between points in Kansas, Nebraska, Minnesota, Illinois, Indiana, Ohio, Virginia, and

New Jersey on the one hand, and, on the other, points in Arizona, Utah, Nevada, California, Oregon, and Washington. NOTE: Applicant states it holds authority in MC 113855 Sub 84 and Sub 70, to transport commodities, which because of their size or weight require the use of special equipment or special handling. Some of the traffic involved may fall within such authority. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 191), filed February 19, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, light poles, mast arms, brackets, bases, and accessories*, from the plantsite of Valmont Industries, Inc., at or near Valley, Nebr., to points in North Dakota, South Dakota, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, restricted against the transportation of oilfield commodities as described in Mercer Extension Oilfield Commodities. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114301 (Sub-No. 56), filed February 26, 1969. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, germicides, fungicides, insecticides, vermifuges, disinfectants, weed-killing compounds, and garden sprayers and dusters*, from Wilmington, Del., to points in New Jersey north of U.S. Highway 22 from the New Jersey-Pennsylvania State line to Newark, N.J., excluding Newark, N.J.; (2) *animal and poultry feed ingredients;* (a) from Allentown and Nazareth, Pa., to points in Delaware, Maryland, New Jersey, Virginia, and the District of Columbia; and (b) from the commercial zone of Camden, N.J. (except points in Pennsylvania in the commercial zone of Philadelphia, Pa.), to Wilmington, Del. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 74), filed February 14, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chanhassen, Minn., to points in Wisconsin, Illinois, Iowa, Kansas, Missouri, North Dakota, South Dakota, Nebraska, Minnesota, and Montana. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 114632 (Sub-No. 17), filed February 13, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps, Madison, S. Dak. 57042. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except those commodities in bulk, in tank or hopper-type vehicles, and hides), from the plantsite of Swift & Co. at Sioux City, Iowa, and warehouse where Swift & Co. may have products stored in Sioux City, Iowa, to points in Kansas and Missouri and East St. Louis, Ill. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant holds contract carrier authority in MC 129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114679 (Sub-No. 13) (Correction), filed January 30, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished as corrected this issue. Applicant: HOWARD H. KRAPF, doing business as KRAPF TRUCK SERVICE, Rural Delivery No. 4, Allentown, Pa. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cement and commodities in bulk), between Allentown, Pa., on the one hand, and, on the other, points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, and Schuykill Counties, Pa., and Warren and Hunterdon Counties, N.J., restricted to traffic having a prior or subsequent movement by rail. NOTE: The purpose of this republication is to include restriction, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 116564 (Sub-No. 21), filed February 6, 1969. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., Post Office Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, restricted to service performed under contract with Latrobe Brewing Co., Latrobe, Pa., from Latrobe, Pa., to points in South Carolina and Georgia, and *empty malt beverage containers*, on return. NOTE: Applicant states it holds authority under MC 119118 and subs, as a common carrier, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 118282 (Sub-No. 23), filed February 6, 1969. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representatives: Guy H. Postell and Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antennas; antenna accessories; audios; audio accessories; batteries; electronic components and accessories; intercoms; public address equipment; phonographs; phonograph accessories, radios; receivers; hobby kits; recording tape; tape recorders; tape accessories; test equipment; transceivers; tubes; musical instruments; office and store supplies; furnishings, fixtures, and equipment; timers and timing devices; tools and tool kits; hardware cabinets; lamps; books; catalogs; and uncrated furniture*, from Fort Worth, Tex., to points in Florida. Restriction: Restricted to traffic originating at or destined to facilities or franchise stores of the Radio Shack Division of The Tandy Corp. NOTE: Applicant states it does not intend to tack, and apparently, is willing to limit the proposed operation to local service if warranted. Applicant holds contract carrier authority in MC 125811 and Subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Fort Worth, Tex.

No. MC 118831 (Sub-No. 59), filed January 30, 1968. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, N.C. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, between Charlotte and Raleigh, N.C., on the one hand, and on the other points in North Carolina restricted to commodities having an immediately prior or an immediately subsequent movement by rail. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Raleigh or Charlotte, N.C.

No. MC 118904 (Sub-No. 5), filed February 3, 1969. Applicant: LONNIE WOOD TRUCKAWAY, LTD., 1915 F Avenue, Lawton, Okla. 73501. Applicant's representative: D. D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be equipped with hitchball connectors, and (2) *buildings*, complete, knocked down or in sections, when transported on wheeled undercarriages, from points in Mayes and Creek Counties, Okla., to points in the United States (except Hawaii and Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., or Dallas, Tex.

No. MC 118904 (Sub-No. 6), filed February 3, 1969. Applicant: LONNIE WOOD TRUCKAWAY, LTD., 1915 F Avenue, Lawton, Okla. 73501. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be equipped with hitchball connector in initial movements, from Claremore, Okla., to points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Tulsa, Okla.

No. MC 119400 (Sub-No. 8), filed February 6, 1969. Applicant: SIMANEK, INC., 150 West Seventh Street, Wahoo, Nebr. 68066. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer, and fertilizer ingredients*, from the plantsite or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119741 (Sub-No. 28) (Correction), filed January 30, 1969, published FEDERAL REGISTER issue of February 20, 1969, and republished in part as corrected this issue. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 639 City National Bank Building, Omaha, Nebr. 68102. The purpose of this republication in part is to show the commodity description in (2) as "*oleomargarine, table sauces, table spreads, salad dressings, salad oils, vegetable oils, cooking oils, shortening, lard, tallow, animal fats, and products made with vegetable oils and/or animal fats*", The word *animal* after and/or was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 119531 (Sub-No. 107), filed February 11, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Urbana and Springfield, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Tennessee, and West Virginia, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of paper and paper products, from points in Illinois, Indiana, Kentucky, Michigan, Tennessee, and West Virginia, to Urbana and Springfield, Ohio. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119914 (Sub-No. 16), filed February 10, 1969. Applicant: MINNESOTA–WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Hayward, Wis., to points in Clam Lake, Wis., and points within 25 miles of Clam Lake, Wis., except the villages of Butternut, Glidden, Mellen, Drummond, Grandview, and Mason. NOTE: Applicant indicates tacking at Hayward, Wis., to serve from Minneapolis and St. Paul, Minn., on local and connecting line traffic originating there. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 125473 (Sub-No. 7) (Correction), filed January 22, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished as corrected, this issue. Applicant: YAZOO TRUCKING CO., INC., 1633 Highway 49E, Yazoo City, Miss. 39194. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22533, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, urea and urea products*, dry, in bags and in packages, from the plantsite of Triad, located near Donaldsonville, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Georgia, and Texas, under *contract* with Mississippi Chemical Corp., Coastal Chemical Corp., First Mississippi Corp., Triad, Miscoa and Ammochem, Inc. NOTE: The purpose of this republication is to show *contract carrier* authority, in lieu of common carrier as previously published. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 125535 (Sub-No. 2), filed January 30, 1969. Applicant: JOHN J. SHARP, 346 Central Avenue, Woodbury, N.J. 08097. Applicant's representative: Theodore Polydoroff, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and freezing units, machines and equipment and parts and supplies* connected therewith, uncrated (except those which because of the size or weight require the use of special equipment or handling), and *shelves, bins, and checkout counters:* (a) From railheads in Philadelphia, Pa., to the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. (b) From railheads in Philadelphia, Pa., to points in Connecticut, Delaware, New Jersey, Maryland, Pennsylvania, New York, Massachusetts, Rhode Island, Virginia, West Virginia, and the District of Columbia. *Damaged and defective equipment* described above: From the above specified destination points to the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. (2) *Refrigeration and freezing units, machines, and equipment and parts and supplies* connected therewith, uncrated (except those which because of size or weight require the use of special equipment or handling): From the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J., to points in Massachusetts, Rhode Island, Virginia, West Virginia, that part of Maryland west of U.S. Highway 15, that part of Pennsylvania west of U.S. Highway 219, and that part of New York on and west of New York Highway 14. *Damaged and defective equipment* described above: From the above specified destination points to the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. (3) *Shelves, bins, and checkout counters:* From the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. to points in Connecticut, Delaware, New Jersey, Maryland, Pennsylvania, New York, Massachusetts, Rhode Island, Virginia, West Virginia, and the District of Columbia. *Damaged and defective equipment* described above: From the above specified destination points to the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. *Restriction:* The operations described herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Hussmann Refrigerator Co. of Cherry Hill, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125708 (Sub-No. 108), filed February 12, 1969. Applicant: HUGH MAJOR, L50 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or frozen foods and foodstuffs, and advertising, promotional and display materials* when moving therewith, from the plantsites and warehouses of Delta Food Processing Corp., in or near Moorehead, Miss., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Ohio, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to the transportation of commodities originating at the plantsites and warehouses of Delta. NOTE: Appli-

cant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 35), filed February 6, 1969. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising materials and premiums* when shipped with malt beverages, and on the reverse haul, *returned empty containers used in transporting malt beverages* (except cans), from Newport, Ky., to points in Illinois, Indiana (except Delphi, Goodland, Monticello, Evansville, and Rensselaer); Ohio; Virginia and West Virginia. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 127487 (Sub-No. 5), filed February 10, 1969. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk) having a prior or subsequent movement by water in interstate or foreign commerce, between the piers and facilities of Trans-American Trailer Transport, Inc., at Staten Island, N.Y., on the one hand, and, on the other, points in New Jersey south of the northern boundaries of Mercer and Monmouth Counties, N.J., and those in Delaware, Maryland, Pennsylvania, and the District of Columbia. Restriction: The authority granted shall not be joined or tacked with applicant's existing operating rights. NOTE: Applicant states that certain portions of the authority under No. MC 127487 (Sub-No. 2) are duplicated by the present application. If and when the authority sought herein is granted, applicant intends to eliminate all such duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 127705 (Sub-No. 23) (Correction), filed January 21, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, and republished as corrected, this issue. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Gas City, Ind., to points in Kentucky (except Covington, Bardstown, Owensboro, Clermont, and Taylor). NOTE: Applicant holds contract carrier authority under MC 123934 and subs thereunder, therefore, dual operations may be involved. The purpose of this republication is to show the city as Bardstown, Ky., in the exceptions above, in lieu of Bardstown, Ky. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 127705 (Sub-No. 25), filed February 13, 1969. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures therefor*, from Dunkirk, Ind., to points in Missouri, Iowa, and Kansas City, Kans., and (2) *returned shipments of glass containers and materials and supplies* used in the manufacture of glass containers, from points in Missouri, Iowa, and Kansas City, Kans., to Dunkirk, Ind. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant holds contract carrier authority under MC 123934 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 128316 (Sub-No. 4), filed February 12, 1969. Applicant: WM. O'DONELL, INC., Post Office Box 367, Elkhorn, Wis. 53121. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nondairy coffee creamer*, in bulk, in tank vehicles, between Rockford, Ill., and Oconomowoc, Wis. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 128464 (Sub-No. 3), filed January 28, 1969. Applicant: M TRANSPORT COMPANY, INC., 615 North Delmar, Hartford, Ill. 62048. Applicant's representative: P. D. Major (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials* (except commodities in bulk and those requiring special handling), from the plantsite of The Philip Carey Corp. at Wilmington, Ill., to points in Missouri on and south of Interstate Highway 70, and on and east of U.S. Highway 65, and those points in Indiana on and south of U.S. Highway 36, under contract with The Philip Carey Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 128520 (Sub-No. 1), filed January 13, 1969. Applicant: THE ROBINSON FREIGHT LINES, INC., 3600 Papermill Road, Post Office Box 10234, Knoxville, Tenn. 37919. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition, explosives, and fireworks* between the following points and points within 15 miles of such points: Naval Ammunition Depot, Hawthorne, Mineral County, Nev.; Tonopah Air Force Station, including Tonopah Test Range, Tonopah, Nye County, Nev.; Fort Wingate Army Depot, Gallup, McKinley County, N. Mex.; White Sands Missile Range, Las Cruces, Dona Ana County, N. Mex.; Anniston Army Depot, Anniston, Calhoun County, Ala.; Redstone Arsenal, Huntsville, Madison County, Ala.; Letterkenny Army Depot, Chambersburg, Franklin County, Pa.; Tonopah Air Force Station, Nye County, Nev.; Holston Ordnance Works, Kingsport, Hawkins County, Tenn.; Milan Arsenal, Milan, Gibson County, Tenn.; Volunteer Army Ammo Plant, Tyner, Hamilton County, Tenn.; Bluebonnett Ordnance Plant, McGregor, McMullen County, Tex.; Lone Star Ordnance Plant, Defense, Bowie County, Tex.; Longhorn Ordnance Works, Karnack, Harrison County, Tex.; Pantex Ordnance Plant, Amarillo, Potter County, Tex.; Naval Weapons Station, Yorktown, Va., and points within 25 miles of York County, Va.; Naval Weapons Laboratory, Dahlgreen, King George County, Va.; Radford Army Ammo Plant, Radford, Pulaski County, Va.; Naval Ammo Depot, St. Juliens Creek, Va.; Naval Supply Center, Norfolk, Portsmouth, Va.; Louisiana Army Ammo Plant, Doyline, Webster County, La.; Corn Husker Army Ammo Plant, Grand Island, Hall County, Nebr.; Naval Ammo Depot, Hastings, Adams County, Nebr.; Fort Bragg, Cumberland County, N.C.; Marine Corps. Air Station, Cherry Point, Craven County, N.C.; Marine Corps. Base Camp Lejeune, Onslow County, N.C.; Military Ocean Term, Sunnypoint, New Hanover County, N.C.; Ravenna Army Ammo Plant, Ravenna, Portage County, Ohio; Naval Ammo Depot, McAlester, Pittsburgh County, Okla.; Fort Jackson, Columbia, Richland County, S.C.; Naval Ammo Depot, Charleston, Charleston County, S.C.; Blytheville Air Force Base, Mississippi County, Ark.; Little Rock Air Force Base, Pulaski County, Ark.; Pine Bluff Arsenal, Pine Bluff, Jefferson County, Ark.; Shumaker Ordnance Plant, Ouchita County, Ark.; Blue Grass Ordnance Depot, Fort Estill, Richmond, Madison County, Ky.; Fort Knox, Harden County, Ky.; Naval Ordnance, Louisville, Fayette County, Ky.; Indiana Ordnance Works, Clark County, Ind.; Jefferson Proving Grounds, Kingsberry Ordnance Plant, La Porte County, Ind.; Naval Ammunitions Depot, Crane, Martin County, Ind.; Newport Army Ammo Plant, Vermillion County, Ind.; Iowa Ordnance Plant, Burlington, Des Moines County, Iowa; Kansas Army Ammo Plant, Parsons, Labette County, Kans.; Sunflower Army Ammo Plant, De Soto, Johnson County, Kans.; Charleston Naval Shipyard, Charleston County, S.C.; Naval Ammunitions Depot, Camden, Ouchita County, Ark.; Naval Ammunitions Depot, Memphis, Shelby County, Tenn. NOTE: Applicant desires the right to tack authority sought with authority presently held. If a hearing is

deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 128735 (Sub-No. 3), filed February 14, 1969. Applicant: LAVIN 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 continuing contract with Halstead & Mitchell Co., and Halstead Metal Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128791 (Sub-No. 5), filed January 2, 1969. Applicant: L & S BOAT TRANSPORTATION COMPANY, INC., 3356 53d Avenue North, St. Petersburg, Fla. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat parts and supplies and equipment* moving in connection therewith, from points in Atlantic, Burlington, and Monmouth Counties, N.J., to points in Alabama, Arkansas, California, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Missouri, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129505 (Sub-No. 3), filed February 14, 1969. Applicant: SYLVESTER BROWN, ARTHUR RINDFLEISCH, ALBERT GRZESIAK, OTTO RINDFLEISCH, ROBERT VOELTNER, WILBERT FACKLUM, ERVIN AHLES, FRANK RINDFLEISCH, MYRON KOSKEY, AND JOHN VOELTNER, a partnership, doing business as ASSOCIATED TRUCKING CO., Box 370, R.R. 2, Mosinee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except containers and commodities in bulk), from Columbus, Wis., to points in Wisconsin, restricted to the transportation of traffic having an immediately prior or subsequent movement by connecting motor, rail, or air carrier. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn., or Madison, Wis.

No. MC 133142 (Sub-No. 1), filed February 6, 1969. Applicant: SMITH TRUCKING COMPANY, a corporation, North Main Street, Manteno, Ill. 60950. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks and tiles and clay products*, from Kankakee, and St. Anne, Ill., to points in Indiana, the Lower Peninsula of Michigan, and points in Wisconsin south of U.S. Highway 64. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133226 (Sub-No. 1), filed February 10, 1969. Applicant: TENNIS HARROLD, doing business as TENNIS TRANSFER AND STORAGE CO., 1153 Commercial Avenue, Oxnard, Calif. 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in the Los Angeles Harbor, Calif., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Santa Barbara and Ventura Counties, Calif.; (2) between Oxnard, Calif., on the one hand, and, on the other, points in Los Angeles County, Calif.; (3) between points in Santa Barbara and Ventura Counties, Calif.; and (4) between China Lake, Calif., on the one hand, and, on the other, points in Kern and Los Angeles Counties, Calif.; restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized 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. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133228 (Sub-No. 2), filed February 7, 1969. Applicant: JOHN WELCH, WILLIAM WELCH, AND W. D. WELCH, a partnership, doing business as WELCH BROS. TRUCKING CO., 1105 South Boulder, Portales, N. Mex. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona, New Mexico, Texas, Louisiana, and Arkansas, to points in Texas, Oklahoma, Kansas, and New Mexico, with the operations authorized to be limited to a transportation to be performed, under a continuing contract, or contracts with Callaway Lumber Sales of Amarillo, Tex. NOTE: Applicant states it has temporary authority pending to perform service which is duplicative in its entirety the authority herein sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 133246, filed October 14, 1968. Applicant: FRED ROGERS COMPANY, a corporation, 915 Yale Avenue North, Seattle, Wash. 98109. Applicant's representative: Fred Rogers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, moving in bond, between Seattle, Wash., and Portland, Oreg., on the one hand, and, on the other, ports having water facilities in Washington and Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 133350 (Sub-No. 1), filed January 31, 1969. Applicant: AQUA GULF CORPORATION, 280 Prescott Avenue, Staten Island, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 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, (1) between points in New York, N.Y., and (2) between points within the commercial zone of New York City on the one hand, and, on the other, points in Bergen, Morris, Hudson, Essex, Union, Middlesex, Somerset, and Passaic Counties, N.J. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133407 (Sub-No. 1), filed February 6, 1969. Applicant: STOUT CORPORATION, 1200 West Second South, Provo, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Del Norte, Modoc, Siskiyou, Lassen, Shasta, Humboldt, Tehama, Butte, Sonoma, Mendocino, Plumas, Glenn, Sierra, Nevada, Yuba, Placer, Eldorado, Lake, and Colusa Counties, Calif., to points in Utah. NOTE: Applicant has contract carrier authority in its MC 126079 and Subs 1 and 3 and has pending contract carrier authority in MC 126079 Sub 4. Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133413, filed January 15, 1969. Applicant: GELOCK TRANSFER LINE, INC., 130 Ionia SW., Grand Rapids, Mich. 49500. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Heavy machinery, contractor's equipment, boilers, and tanks* of the type and kind requiring special equipment, and *materials, equipment and supplies* used in the installation thereof, between Grand Rapids, Mich., and points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Grand Rapids, Mich.

No. MC 133439, filed January 23, 1969. Applicant: ROBERT L. GARLOCK, doing business as GARLOCK'S BODY SHOP, 207 South Seventh Street, McConnellsburg, Pa. 17233. Applicant's representative: Albert Foster, 126 North Second Street, McConnellsburg, Pa. 17233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, and repossessed motor vehicles, trailers and busses* (except trailers designed to be drawn by passenger automobiles), and (2) *replacement vehicles* for wrecked or disabled motor vehicles and trailers (except trailers designed to be drawn by passenger automobiles), between points in Fulton, Franklin, and Bedford Counties, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Maryland, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at McConnellsburg, Chambersburg, Harrisburg, or Pittsburgh, Pa.

No. MC 133445 (Sub-No. 2), filed February 2, 1969. Applicant: GERALD T. STUCK, 414 East Main Street, Middleburg, Pa. 17842. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Semitrailers, semitrailer chassis, semitrailer bodies, vehicle bodies* (except mobile homes) and *inter-modal containers*, having a capacity of not less than 1,000 cubic feet, new or used, between the plantsite of Trailco Manufacturing and Sales Co. at or near Hummels Wharf, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, and the District of Columbia. Restriction: The operations described above to be limited to a transportation service to be performed under a continuing contract with Trailco Manufacturing and Sales Co. of Hummels Wharf, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133458, filed February 6, 1969. Applicant: JAMES P. WEBB, Castleton Road, East Greenbush, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum and petroleum products, tires, batteries, and automotive accessories* used or sold by gasoline stations, from East Greenbush, Rensselaer County, N.Y., to points in Cheshire, Grafton, and Sullivan Counties, N.H., and to points in Vermont, and *refused, returned or rejected shipments* of said commodities and *empty used containers*, on return, under contract with Sun Oil Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 133462 (Sub-No. 1), filed February 3, 1969. Applicant: GREAT EASTERN TRANSPORT SYSTEMS, INC., 152–50 Rockaway Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers which have a prior or subsequent movement by water, (1) between points in the commercial zone of New York, N.Y., as defined by the Commission, and (2) between points in the commercial zone of New York, N.Y., as defined by the Commission, on the one hand, and, on the other, points in Bergen, Morris, Passaic, Hudson, Essex, Union, Middlesex, and Somerset Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133465, filed February 6, 1969. Applicant: FREDDIE A. LONG, 1 Contact Court, Baltimore, Md. 21220. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northerly direction along Delaware Highway 9 to junction Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank of the Susquehanna River, to Columbia, Pa., thence easterly along U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction along Pennsylvania Highway 72 to junction U.S. Highway 22; thence in a westerly direction along U.S. Highway 22 to junction Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania Highway 34 to junction Pennsylvania Highway 274, continuing southwesterly along Pennsylvania Highway 274, to junction Pennsylvania Highway 75, thence south along Pennsylvania Highway 75 to junction U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south along U.S. Highway 522 through Culpeper, Va., to junction Virginia Highway 3; thence southeasterly along Virginia Highway 3 to Fredericksburg, Va.; thence southeasterly along U.S. Highway 17 to Gloucester Point, Va.; thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highway, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133466, filed February 5, 1969. Applicant: WILKINSON TRANSPORTATION CO., a corporation, 13th and Madison, Fort Calhoun, Nebr., 68023. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil products*, and (2) *mortar fuses and fins*, from the plantsite of Wilkinson Manufacturing Co., at or near Fort Calhoun, Nebr., to points in the United States (except Alaska and Hawaii), and *materials, supplies, and equipment* used in the manufacture and distribution of the above, on return, under a continuing contract with Wilkinson Manufacturing Co., Fort Calhoun, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133467, filed February 6, 1969. Applicant: JOHN T. DIAMOND, 2503 Wycliff Road, Baltimore, Md. 21234. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, except commodities in bulk, between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic Coast; to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northerly direction on Delaware Highway 9 to junction of Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank of the Susquehanna River, to Columbia, Pa., thence easterly on U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction on Pennsylvania Highway 72 to its junction with U.S. Highway 22; thence in a westerly direction on U.S. Highway 22 to its junction with Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania

Highway 34 to its junction with Pennsylvania Highway 274, continuing southwesterly on Pennsylvania Highway 274 to its junction with Pennsylvania Highway 75, thence south on Pennsylvania Highway 75 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south on U.S. Highway 522 through Culpeper, Va., to its junction with Virginia Highway 3; thence southeasterly on Virginia Highway 3 to Fredericksburg, Va.; thence southeasterly on U.S. Highway 17 to Gloucester Point, Va.; thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highway, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133469, filed February 6, 1969. Applicant: SALEM G. ROY, 9 Normandy Drive, Ellicott City, Md. 21043. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, except commodities in bulk, between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northerly direction on Delaware Highway 9 to junction of Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank to the Susquehanna River, to Columbia, Pa., thence easterly on U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction on Pennsylvania Highway 72 to its junction with U.S. Highway 22; thence in a westerly direction on U.S. Highway 22 to its junction with Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania Highway 34 to its junction with Pennsylvania Highway 274, continuing southwesterly on Pennsylvania Highway 274 to its junction with Pennsylvania Highway 75, thence south on Pennsylvania Highway 75 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south on U.S. Highway 522 through Culpeper, Va., to its junction with Virginia Highway 3; thence southeasterly on Virginia Highway 3 to Fredericksburg, Va.; thence southeasterly on U.S. Highway 17 to Gloucester Point, Va., thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highway, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133473, filed February 10, 1969. Applicant: LEWIS TRANSFER & STORAGE COMPANY, INC., 1808 Van Load, Post Office Box 4041, Shreveport, La. 71104. Applicant's representatives: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201; also Frank S. Kennedy, Post Office Box 1774, Shreveport, La. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Louisiana, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, 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. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 133475, filed February 10, 1969. Applicant: T. F. CASEY DELIVERY SERVICES, INC. 145-92 New York Boulevard, Springfield Gardens, N.Y. 11434. Applicant's representatives: Douglas Miller, Meadowbrook Bank Building, Malvern, N.Y. 11565 and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Luggage and such personal effects as are carried by airline passengers*, between John F. Kennedy International Airport and La Guardia Airport in New York, N.Y., and Newark Airport in Newark, N.J., and points in Connecticut on and west of U.S. Highway 5, and points in New Jersey in and north of Ocean, Monmouth, and Mercer Counties, and points in New York in and south of Sullivan, Ulster, and Dutchess Counties. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133479, filed February 10, 1969. Applicant: CORRIVEAU-ROUTHIER CEMENT BLOCK, INC., 266 Clay Street, Manchester, N.H. 03103. Applicant's representative: Alphonse J. Corriveau (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, block, and masonry materials*, between points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 133480, filed February 12, 1969. Applicant: A. VIZZI, 17 Crescent Street, Keansburg, N.J. 07734. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sound deadner compounds*, in bulk, from Perth Amboy, N.J., to Newark, Del., and (2) *sound deadner compounds* (except in bulk), from Perth Amboy, N.J., to Baltimore, Md., Tarrytown, N.Y., and Wilmington, Del., under contract with J. W. Mortel Co., Perth Amboy, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133482 (Sub-No. 1), filed February 12, 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, (1) 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., and (2) from points in the New York, N.Y., commercial zone as defined by the Commission in 49 CFR 1048.1 to Westbury, N.Y.; under contract with Imperial International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 29890 (Sub-No. 35), filed January 21, 1969. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative, S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers: Routes for operating convenience only: (1) Between Letchworth Village, N.Y., and Haverstraw, N.Y.; from Letchworth Village grounds, over Thiells-Mount Ivy Road to junction U.S. Highway 202, thence over U.S. Highway 202 to junction U.S. Highway 9W in Haverstraw, N.Y.; serving no intermediate points except for joinder as hereinafter specified under Route (2) below. Applicant proposes to join the foregoing route at Letchworth Village and at junction U.S. Highway 9W in Haverstraw, both service points on its present routes; (2) between the Hamlets of Mount Ivy, N.Y., and Pomona, N.Y.: From junction U.S. Highway 202 with New York Highway 45 in Mount Ivy, over New York Highway 45 to junction Pomona Road in Pomona, serving no intermediate points. Applicant proposes to join the foregoing route at junction Pomona Road, a service point on its present route, and at junction U.S. Highway 202, a point on Route (1) above, and requests permission to serve said latter point for purposes of joinder only:

Regular routes: (3) between the Hamlets of New Hempstead, N.Y., and New City, N.Y.: From junction New Hempstead Road with New York Highway 45 in New Hempstead, over New

Hempstead Road to junction Main Street (Old Highway 304) in New City, and return over the same route, serving all intermediate points. Applicant proposes to join the foregoing route at junction New York Highway 45 in New Hempstead and at junction Main Street in New City, both service points on its present routes; (4) between points in the Hamlet of New Hempstead, N.Y.: From the south junction of Old School House Road with New York Highway 45, over Old School House Road to its north junction with New York Highway 45; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at both of its junctions with New York Highway 45, both of which are service points on its present route, and with route (3) above, at New Hempstead Road; (5) between Spring Valley, N.Y., and the Hamlet of New Hempstead, N.Y.: from Spring Valley, over Union Road to New Hempstead Road, thence over New Hempstead Road to junction New York Highway 45 in New Hempstead; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at Spring Valley and at New York Highway 45 in New Hempstead, both service points on its present routes.

(6) between points in the Hamlet of New City, N.Y.: From junction New City-Congers Road with Maple Avenue, over Maple Avenue to Second Street, thence over Second Street to junction Main Street (Old Highway 304) and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at junction New City-Congers Road and at junction Main Street, both service points on its present routes; (7) between points in the Hamlet of New City, N.Y.: From junction Cavalry Drive with Main Street (Old Highway 304), over Cavalry Drive to junction relocated New York Highway 304, thence over relocated New York Highway 304 to junction Main Street (New York Highway 304); and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at both junctions with Main Street and at junction New City-Congers Road, all of which are service points on its present routes; (8) between the Hamlets of Nanuet, N.Y., and Pearl River, N.Y.: From junction relocated New York Highway 304 with New York Highway 304 (Main Street) in Nanuet, over relocated New York Highway 304 to junction Central Avenue in Pearl River; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at New York Highway 304 (Main Street) in Nanuet and at West Nyack Road (formerly Highway 59 and Highway 59A) in Nanuet at Highway 304 in Pearl River, and at Central Avenue in Pearl River, all service points on its present routes, and with Route (9) below, at New York Highway 59 (relocated).

(9) between the Hamlets of Nanuet, N.Y., and West Nyack, N.Y.: From junction New York Highway 59 (relocated) with West Nyack Road (formerly Highway 59 and Highway 59A), in Nanuet, over New York Highway 59 to junction Dosher Avenue in West Nyack; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at junction West Nyack Road in Nanuet and at junction Dosher Avenue in West Nyack, both service points on its present routes, and with Route (8) above and Route (10) below, in Nanuet; (10) between points in Nanuet, N.Y.: From junction Smith Street and West Nyack Road (formerly highway 59 and 59A) over Smith Street to New York Highway 59 (relocated); and return over the same route, serving all intermediate points. Applicant proposes to join the foregoing route as West Nyack Road, a service point on its present route, and at New York Highway 59, a point on route (9) above; (11) between South Nyack, N.Y., and the Hamlet of Grand View, N.Y.: From junction Broadway with Cornelison Avenue in South Nyack, over Broadway to junction U.S. Highway 9W in Grand View; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at Cornelison Avenue in South Nyack and at U.S. Highway 9W in Grand View, both service points on its present routes; and (12) between points in Fort Lee, N.J.: From junction Linwood Avenue with Cross Street, over Linwood Avenue to junction U.S. Highway 9W (Fletcher Avenue), serving all intermediate points. Applicant proposes to join the foregoing route at junction Cross Street and at junction U.S. Highway 9W, both service points on its present route. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 61016 (Sub-No. 33) (correction), filed January 21, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, and republished as corrected, this issue. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at Amherst, Northampton, Easthampton, Holyoke, Chicopee, and Springfield, Mass., and extending to the sites of Aqueduct Race Track, N.Y., Belmont Park, Belmont, N.Y., Roosevelt Raceway, Westbury, N.Y., and Yonkers Raceway, Mount Vernon, N.Y., during the respective racing seasons. NOTE: The purpose of this republication is to include "Roosevelt Raceway, Westbury, N.Y., a portion of the territorial description, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

By the Commission.

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

[F.R. Doc. 69-2655; Filed, Mar. 5, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 3, 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. 41573—*Motor fuel antiknock compound to Port Reading, N.J.* Filed by O. W. South, Jr., agent (No. A6083), for interested rail carriers. Rates on motor fuel antiknock compound, in tank carloads, as described in the application, from Baton Rouge and North Baton Rouge, La., to Port Reading, N.J.

Grounds for relief—Rate relationship.

Tariff—Supplement 19 to Southern Freight Association, agent, tariff ICC S-804.

By the Commission.

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

[F.R. Doc. 69-2707; Filed, Mar. 5, 1969; 8:49 a.m.]

[Notice 787]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 28, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 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 23976 (Sub-No. 25 TA), filed February 25, 1969. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue,

Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Portland, Oreg., to points within 50 miles of Portland, Oreg., and return, for 180 days. NOTE: Applicant intends to tack with MC 23976. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 42487 (Sub-No. 709 TA), filed February 25, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin*, liquid, in bulk, in tank vehicles, from Los Angeles, Calif., to Tulsa, Okla., for 150 days. Supporting shipper: Ashland Chemical Co., Division of Ashland Oil & Refining Co., 8 East Long Street, Box 2219, Columbus, Ohio 43216. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 59264 (Sub-No. 46 TA), filed February 25, 1969. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, N.J. 08903. Applicant's representative: Arthur Liberstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, between Monmouth Junction, N.J., and Providence, R.I., and Glen Burnie, Md., for 180 days. Supporting shipper: Fred H. Levey Co., Stouts Lane, Monmouth Junction, N.J. 08852. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 59640 (Sub-No. 15 TA), filed February 24, 1969. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representatives: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, except commodities in bulk, from Woodbridge Township, N.J., to Waterbury, Conn.; (2) *ice cream*, from Suffield, Conn., to the storage facilities of Supermarkets General Corp. at Jersey City, N.J.; (3) *frozen* foods, from the storage facilities of Supermarkets General Corp. at Jersey City, N.J., to Waterbury, Conn. Restriction: The authority sought above is limited to a transportation service to be performed, under a continuing contract, or contracts with Supermarkets General Corp. NOTE: Supermarkets General Corp. is opening a new retail store at Waterbury in its chain of supermarkets and the authority in (1) and (3) above is merely to permit applicant to serve such facility. The authority in (2) above is to permit Supermarkets General Corp. to divert to Jersey City from Woodbridge Township, N.J., the storage of some of its ice cream. Applicant now has authority on ice cream from Suffield to Woodbridge Township; for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 61440 (Sub-No. 117 TA), filed February 25, 1969. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives* (excluding commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) when moving (1) on Government bills of lading; and (2) on commercial bills of lading containing endorsements approved in interpretation of *Government Rate* Tariff—Eastern Central, 332 I.C.C. 161, 164, 165, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas on the one hand, and on the other, points in Washington, California, Nevada, Arizona, and Utah, for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Division, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 107010 (Sub-No. 39 TA) (Correction), filed February 11, 1969, published FEDERAL REGISTER issue of February 20, 1969, and republished as corrected this issue. Applicant: BULK CARRIERS, INC., Box 106, Auburn, Nebr. 68305. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. 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 or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, for 150 days. NOTE: The purpose of this republication is to add the origin point (Blair, Nebr.), inadvertently omitted from previous publication. Supporting shipper: Agrico Chemical Co., Post Office Box 346, Memphis, Tenn. 38101. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 111812 (Sub-No. 375 TA), filed February 26, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, 405½ East Eighth Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to Denver, Colo., Salt Lake City, Utah, and points in California, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119531 (Sub-No. 108 TA), filed February 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: H. R. Arnold (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from St. Louis, Mo., to Chicago, Ill., for 150 days. Supporting shipper: Continental Can Co., Inc., 135 South La Salle Street, Chicago, Ill. 60603. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119777 (Sub-No. 140 TA), filed February 26, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Belle Plaine, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Richard P. Eichhorn, Forpac, Inc., 540 Frontage Road, Northfield, Ill. 60093. Send protests to: Wayne L. Merilatt, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124078 (Sub-No. 361 TA), filed February 26, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bags, from Greencastle, Ind., to the Moffat Coal Co. mine near Murdock, Ill., for 150 days. Supporting shipper: Moffat Coal Co., 208 South La Salle Street, Chicago, Ill. 60604 (W. D. Butts, Director of Procurement and Stores). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Opera-

tions, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129413 (Sub-No. 4 TA) (Correction), filed January 29, 1969, published FEDERAL REGISTER, issue of February 13, 1969, and republished as corrected, this issue. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue, 51107, Post Office Box 3072, Sioux City, Iowa 51102. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (b) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; (d) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Restriction: Restricted to traffic originating at the named origin points and destined to the named destination States. NOTE: The purpose of this republication is to show plantsite location in (c) above and to show applicant proposes to operate over irregular routes. Supporting shipper: Cominco American Inc., A. E. MacDonald, Manager, Distribution and Traffic, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 133233 (Sub-No. 4 TA), filed February 24, 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: *Lumber*, from Afton, Wyo., to points in Kansas, Minnesota, and Arkansas, for 150 days. Supporting shipper: Star Studs, Inc., Afton, Wyo. 83110 (Lee Ekman, Sales Manager). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133294 (Sub-No. 3 TA), filed February 25, 1969. Applicant: ECONOLINE EXPRESS, INC., 70 North Montgomery Street, San Jose, Calif. 95110. Applicant's representative: John G. Lyons, 1418 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between San Francisco International Airport, on the one hand, and, on the other, Menlo Park, Mountain View, Newark, San Jose, and Sunnyvale, Calif., restricted to shipments having an immediately prior or subsequent movement by air, and restricted to shipments weighing not in excess of 5,000 pounds, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133496 TA, filed February 25, 1969. Applicant: DIEHL LUMBER TRANSPORTATION CO., 1756 South Sixth West Street, Salt Lake City, Utah 84106. 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: *Building materials; raw materials* for use in the manufacture of building materials; *lumber and lumber mill products; and prefabricated sectionalized or panelized buildings*, between points in California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Arizona, New Mexico, and Nevada, under a continuing contract with Diehl Lumber Products, Inc., for 180 days. Supporting shipper: Diehl Lumber Products, Inc., Post Office Box 6218, Sugar House Station, Salt Lake City, Utah 84106. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133035 (Sub-No. 7 TA) (Correction), filed February 3, 1969, published FEDERAL REGISTER, issue of February 14, 1969, and republished as corrected this issue. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles (1) from the terminals located on the ammonia pipeline of MAP CO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments which originate at the facilities of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States; and (2) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments which originate at the facilities of MAPCO, Inc., located at or near Greenwood, Nebr., and destined to points in the named destination States, for 180 days. NOTE: The purpose of this republication is to add the destination State of Nebraska to (1) above, which was inadvertently omitted from previous publication. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

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

[F.R. Doc. 69-2708; Filed, Mar. 5, 1969; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March

3 CFR

	Page
PROCLAMATIONS:	
3896	3789
3897	3791
EXECUTIVE ORDER:	
11457	3793

7 CFR

	Page
318	4879
722	3733
730	3733
775	3795
811	3795
842	3795
877	3733
891	3737
907	3738, 4879
908	4880
910	3674, 3738
912	3674
913	3675
993	3675
1130	3676
1424	4880
1427	4882
PROPOSED RULES:	
1061	3808
1068	3833
1202	4893

12 CFR

	Page
545	4884
584	3796
PROPOSED RULES:	
584	4895

14 CFR

	Page
39	3738, 4885
71	3655, 3796, 4502
73	3656, 4502
75	4502
95	3738
151	3656, 4885
153	3656
199	3657
240	3741
241	3741
385	3742
399	3742
PROPOSED RULES:	
21	3695, 4893
36	4893
39	4894
43	3695
65	3695
71	3696–3699, 3851, 4894

14 CFR—Continued

	Page
PROPOSED RULES—Continued	
91	3695
121	3751
145	3695
147	3751
157	3756

16 CFR

	Page
13	3658, 3659
15	3742
240	4926

17 CFR

	Page
231	4886
PROPOSED RULES:	
240	4896

20 CFR

	Page
PROPOSED RULES:	
604	3748

21 CFR

	Page
1	4886
121	4887, 4888
320	4888, 4889
PROPOSED RULES:	
121	3748

22 CFR

	Page
501	3659

25 CFR

	Page
131	3686

26 CFR

	Page
170	3662
179	3662
194	3663
196	3667
197	3667
201	3669
240	3670
245	3671
250	3673
251	3673
296	3672
301	3673
PROPOSED RULES:	
1	3700

28 CFR

	Page
0	4889

29 CFR

	Page
1505	3776

38 CFR

	Page
36	4889

39 CFR

	Page
171	3797

41 CFR

	Page
5B–3	4890
9–1	4890
9–16	4890
9–53	4890

42 CFR

	Page
205	3743
PROPOSED RULES:	
54	3689
209	3749

45 CFR

	Page
145	3801
177	3801
250	3745
1061	3686
PROPOSED RULES:	
416	3689

47 CFR

	Page
5	3801
73	3802, 3804
81	3806
87	3807
89	3807
91	3807
93	3807
95	3807
PROPOSED RULES:	
1	3852
21	3852
43	3852
73	3853–3855, 3857, 4895
74	3858

49 CFR

	Page
369	3687
371	3688
1033	3746
1048	4892
PROPOSED RULES:	
71	3852
371	3699
1203	4897

50 CFR

	Page
28	4892
33	3747, 4892

FEDERAL REGISTER

VOLUME 34 • NUMBER 44

Thursday, March 6, 1969 • Washington, D.C.

PART II

FEDERAL TRADE COMMISSION

Guides for Advertising Allowances and Other Merchandising Payments and Services

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 240—GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

The following guides were promulgated by the Federal Trade Commission on March 6, 1969, and have been placed on the public record until April 15, 1969. During this time the Commission will receive and consider any comments or views concerning the guides that may be filed by interested persons. The guides will become effective May 1, 1969, unless otherwise ordered by the Commission.

Introduction. These guides are designed to highlight legal problems that may be encountered by businessmen who want to utilize promotional or advertising allowances and similar merchandising payments or services to stimulate the sale of their products. The guides are not intended to serve as a comprehensive statement of the law or as a legal treatise, but are instead intended to serve as a practical manual—in the form of basic rules of thumb, specific examples, and carefully considered suggestions—for the honest businessman who wants to conform his conduct to the requirements of the law without giving up the benefits that can be derived from this form of promotional activity. The guides are designed to furnish guidance and assistance for the businessman seeking to comply with the law and to avoid even inadvertent violations.

Simply stated, what the law requires, in essence, is that those who grant promotional and advertising allowances treat their customers fairly and without discrimination, and not use such allowances to disguise discriminatory price discounts. In interpreting and enforcing the law, the Commission will recognize the practicalities of business while preventing the kind of discriminatory practices at which the law was aimed. Realistic and reasonable enforcement of the law will enable the Commission to enlist the aid of businessmen in eliminating undesirable practices and abuses without interfering with legitimate promotional and merchandising activities.

What the guides are meant to do. These guides can be of great value to businessmen who want to avoid violating the laws against giving or receiving improper promotional allowances, including advertising or special services, for promoting products. The guides will make possible a better understanding of the obligations of sellers and their customers in joint promotional activities.

The Commission's responsibility is to obtain compliance with these laws. It has a duty to move against violators.[1] However, as an administrative agency, the Commission believes the more knowledge businessmen have with respect to the laws enforced by the Commission, the greater the likelihood that voluntary compliance with the laws will be obtained.

For the Commission to perform its responsibilities properly, and for business to avoid violation of the law, it is necessary that every effort be made to furnish individual businessmen a better understanding of these laws. It will help businessmen—and the Commission's law enforcement efforts—if they have a good general knowledge of what they can and cannot do in the field of promotional allowances and services.

What the guides are not meant to do. It should be made clear too that the guides are not meant to do several things:

(1) They are not meant to cover every situation. Decided cases dealing with unusual situations are not covered.

(2) They are not a substitute for sound legal advice.

(3) They are not intended to be a legal treatise. They should be read as a nontechnical explanation of what the law means.

(4) They do not make it mandatory (nor does the law itself) that sellers provide promotional allowances, services or facilities to any customer. They only come into play when the seller determines to employ such promotional practices.

What the law covers generally. The Robinson-Patman Act is an amendment to the Clayton Act. It is directed at preventing competitive inequalities that come from certain types of discrimination by sellers in interstate commerce. Sections 2 (d) and (e) of the Act deal with discriminations in the field of promotional payments and services made available to customers who buy for resale. Where the seller pays the buyer to perform the service, section 2(d) applies. Where the seller furnishes the service itself to the buyer, section 2(e) applies. Both sections require a seller to treat competing customers on proportionally equal terms in connection with the resale of the seller's products of like grade and quality.

Other law involved. In several places, the guides are concerned with laws other than sections 2 (d) and (e):

(1) A seller who pays a customer for services that are not rendered, or who overpays for services which have been rendered, may thereby violate section 2(a) of the Clayton Act, as amended. (See § 240.11.)

(2) A customer who receives discriminatory or other improper payments, services, or facilities may thereby violate section 2(f) of the Clayton Act, as amended by the Robinson-Patman Act, or section 5 of the Federal Trade Commission Act. (See §§ 240.11 and 240.14.)

(3) A third party who helps a customer claim reimbursement greater than that to which he is entitled under a seller's program (by furnishing the customer with a false invoice or other statement, for instance), may thereby violate section 5 of the Federal Trade Commission Act. (See § 240.13.)

(4) A third party who devises and/or administers a promotional assistance program on behalf of one or more sellers may violate section 5 of the Federal Trade Commission Act if the use, administration, or operation of the program results in violation of law. (See § 240.13.)

(5) The examples are not intended to be all-inclusive. The guides do not purport to set forth all the legal rules governing a seller's promotional practices or other vertical arrangements, but are directed primarily to the seller's obligation in making promotional offers to notify, and offer proportionally equal terms to, his competing customers. Related practices, not directly involving notification or proportionalization, are not necessarily covered by these guides.

Sec.

AUTHORITY: The provisions of this Part 240 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 240.1 When does the law apply?

Sections 2 (d) and (e) apply to a seller of products in interstate commerce, if he either directly or through an intermediary (a) pays for services or facilities furnished by a customer in connection with the distribution of his products [section 2(d)], or (b) furnishes such services or facilities to a customer [section 2(e)] who competes with any other customer in the resale of the seller's products of like grade and quality. [Guide 1]

§ 240.2 Who is a seller?

"Seller" includes anyone (manufacturer, wholesaler, distributor, etc.) who sells products for resale, with or without further processing. Selling candy to a retailer is a sale for resale without processing. Selling corn syrup to a candy

[1] The Commission has issued many orders to cease and desist which include proscriptions under section 2(d) and/or 2(e) of the amended Clayton Act, that antedate the Supreme Court's decision in the matter of Federal Trade Commission v. Fred Meyer, Inc., et al., 390 U.S. 340 (1968). In this regard, it should be noted that future obligations of those companies and individuals under those orders shall be measured against said decision, as supplemented by these guides.

manufacturer is an example of a sale for resale with processing. [Guide 2]

§ 240.3 Who is a customer?

(a) A "customer" is someone who buys for resale directly from the seller, the seller's agent or broker; and, in addition, a "customer" is any buyer of the seller's product for resale who purchases from or through a wholesaler or other intermediate reseller. In this part, the word "customer" which is used in section 2(d) of the Act includes "purchaser" which is used in section 2(e).

NOTE: In determining whether a seller has fulfilled his obligations toward his customers, the Commission will recognize that there may be some exceptions to this general definition of "customer." For example, the purchaser of distress merchandise would not be considered a "customer" simply on the basis of such purchase. Similarly, those retailers who purchase from other retailers, those who make only sporadic purchases, and those who do not regularly sell the seller's product or who are a type of retail outlet not usually selling such products (e.g., a hardware store stocking a few isolated food items) will not be considered "customers" of the seller unless the seller has been put on notice that such retailers are selling his product.

(b) "Competing customers" are all businesses that compete in the resale of the seller's products of like grade and quality at the same functional level of distribution regardless of whether they purchase direct from the supplier or through some intermediary.

Example 1. A manufacturer sells to some retailers directly and to others through wholesalers. Retailer "X" purchases the manufacturer's product from a wholesaler and resells some of it to retailer "Y". Retailer "X" is a customer of the manufacturer. Retailer "Y" is not a customer unless the fact that he purchases the manufacturer's product is known to the manufacturer.

Example 2. A manufacturer sells directly to some independent retailers, sells to the headquarters of chains and cooperative stores, and also sells to wholesalers. The direct buying independent retailers and the wholesaler's independent retailer customers are customers of the manufacturer. Individual retail outlets which are part of the chains or members of the cooperatives are not customers of the manufacturer.

[Guide 3]

§ 240.4 What is interstate commerce?

This term has not been precisely defined in the statute. In general, if there is any part of a business which is not wholly within one State (for example, sales or deliveries of products, their subsequent distribution or purchase, or delivery of supplies or raw materials), the business may be subject to the Robinson-Patman Act. Sales in the District of Columbia are also covered by the Act. [Guide 4]

§ 240.5 What are services or facilities?

These terms have not been exactly defined by the statute or in decisions. The following are merely examples—the Act covers many other services and facilities.

(a) The following are some of the services or facilities covered by the Act where the seller pays the buyer for furnishing them:

Any kind of advertising, including cooperative advertising,
Handbills,
Window and floor displays,
Special sales or promotional efforts for which "push money" is paid to clerks, salesmen, and other employees of the customers,
Demonstrators and demonstrations.

(b) Here are some examples of services or facilities covered by the Act when the seller furnishes them to a customer:

Any kind of advertising,
Catalogs,
Demonstrators,
Display and storage cabinets,
Display materials,
Special packaging, or package sizes,
Accepting returns for credit,
Prizes or merchandise for conducting promotional contests.

NOTE: In this part, the term "services" is used to encompass both "services and facilities."

[Guide 5]

§ 240.6 Need for a plan.

If a seller makes payments or furnishes services that come under section 2 (d) or (e) of the Clayton Act, as amended, he must do it under a plan that meets several requirements. In addition, if there are many competing customers to be considered, or if the plan is at all complex, the seller would be well advised to put his plan in writing. Briefly, the requirements are:

(a) The payments or services under the plan must be available on proportionally equal terms to all competing customers. (See § 240.7.)

(b) The seller should take action designed to inform all of his competing customers of the existence of and essential features of the promotion plan in ample time for them to take full advantage of it. (See § 240.8.)

(c) If the basic plan is not functionally available to (i.e., suitable for and usable by) some customers competing in the resale of the seller's products of like grade and quality with those being furnished payments or services, alternatives that are functionally available must be offered to such customers. (See § 240.9.)

(d) In informing customers of the details of a plan, the seller should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished. (See § 240.10.)

(e) The seller should take reasonable precautions to see that the services are actually performed and that he is not overpaying for them. (See § 240.11.) [Guide 6]

§ 240.7 Proportionally equal terms.

The payment or services under the plan must be made available to all competing customers on proportionally equal terms. This means that payments or services must be proportionalized on some basis that is fair to all customers who compete in the resale of the seller's products. No single way to proportionalize is prescribed by law. Any method that treats competing customers on proportionally equal terms may be used. Generally, this can best be done by basing the payments made or the services furnished on the dollar volume or on the quantity of goods purchased during a specified period. Other methods which are fair to all competing customers are also acceptable.

Example 1. A seller may properly offer to pay a specified part (say 50 percent) of the cost of local advertising up to an amount equal to a set percentage (such as 5 percent) of the dollar volume of purchases during a specified time.

Example 2. A seller may properly place in reserve for each customer a specified amount of money for each unit purchased, and use it to reimburse those customers for the actual cost of their advertising of the seller's product.

Example 3. A seller may not select one or a few customers to receive special allowances (e.g., 5 percent of purchases) to promote his product, while making allowances available on some lesser basis (e.g., 2 percent of purchases) to customers who compete with them.

Example 4. A seller's plan may not provide an allowance on a basis that has rates graduated with the amount of goods purchased, as, for instance, 1 percent of the first $1,000 purchases per month, 2 percent of second $1,000 per month, and 3 percent of all over that.

Example 5. A seller may not identify or feature one or a few customers in his own advertising without making the same service available on proportionally equal terms to customers competing with the identified customer or customers.

Example 6. A seller who makes his employees available or arranges with a third party to furnish personnel for purposes of performing work for a customer must make the same offer available on proportionally equal terms to all other competing customers. In addition the seller must offer usable and suitable alternatives of equivalent measurable cost to those competing customers to whom such services are not usable and suitable.

[Guide 7]

§ 240.8 Seller's duty to inform.

(a) The seller must take reasonable action, in good faith, to inform all his competing customers of the availability of his promotional program. Such notification should include all the relevant details of the offer in time to enable customers to make an informed judgment whether to participate; in the alternative, such notification should include a summary of the essential features and a specific source to contact for further details. The seller can make this notification by any means he chooses, including personal contacts, mailings, notice on or in shipping containers, etc. However, if a seller wants to be able to show later that he gave notice to a certain customer, he is in a better position to do so if it was given in writing.

(b) If more direct methods of notification are impracticable, a seller may employ one or more of the following methods, the sufficiency of which will depend upon the nature of the industry and the complexity of his own distribution system. Different sellers may find

that different notification methods are most effective for them.

(1) The seller may enter into contracts with his wholesalers, distributors, or other third parties which conform to the requirements of § 240.13.

(2) The seller may place appropriate announcements on or in product containers.

(3) The seller may publish notice of the availability and essential features of the plan in a publication of general distribution in the trade.

Example 1. A seller has a plan for the retail promotion of his products in Philadelphia. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Philadelphia retailers purchase his products through wholesalers. The seller may use the wholesalers to reach the retailing customers who buy through them, either by having the wholesalers notify those retailers in accordance with § 240.13, or by using the wholesalers' customer lists for direct notification by the seller.

Example 2. A seller has a plan for the retail promotion of his products in Kansas City. Some of his retailing customers purchase directly and he offers the plan to them. Others purchase his products through wholesalers. The seller may satisfy his notification obligations to them by undertaking, in good faith, one or more of the following measures:

A. Placing on a shipping container or a product package that can reasonably be expected to reach all retailing customers handling the promoted product in time to enable them to participate in the program a conspicuous notice of the availability and essential features of his proposal, identifying a specific source for further particulars and details. In lieu of identifying a source for further particulars, brochures describing the details of the offer may be included in the shipping containers.

B. If a promotional plan simply consists of providing retailers with display materials, including the materials within the product container.

C. Advising customers from accurate and reasonably complete mailing lists. If the product may be sold lawfully only under Government license (alcoholic beverages, etc.), informing all license holders would be sufficient.

D. Placing an announcement of the availability and essential features of promotional programs, and identifying a specific source for further particulars and details, at reasonable intervals in publications which have general and widespread distribution in the trade, and which are recognized in the trade as means by which sellers announce the availability of such programs.

Example 3. The seller has a wholesaler-oriented plan whereby he pays wholesalers to advertise the seller's product in the wholesalers' order books, or in the wholesalers' price lists directed to retailers purchasing from the wholesalers. He must notify all competing wholesalers of the availability of this plan, but the seller is not required to notify retailing customers.

Example 4. A seller who sells on a direct basis to some retailers in an area, and to other retailers in the area through wholesalers, has a plan for the promotion of his products at the retail level. If the seller directly notifies not only all competing direct purchasing retailers, but also all competing retailers purchasing through the wholesaler, as to the availability, terms and conditions of the plan, the seller is not required to notify his wholesalers.

Example 5. A seller regularly promotes his products at the retail level, and during the year he has various special promotional offers. His competing customers include large direct-purchasing retailing customers and smaller customers who purchase through wholesalers. Many of the promotions he offers can best be used by his smaller customers if the funds to which the smaller customers are entitled are pooled and used by the wholesalers in their behalf (newspaper advertisements, for example). The seller may encourage, but not coerce, the retailer purchasing through a wholesaler to designate a wholesaler as his agent for receiving notice of, collecting, and using promotional allowances for him. If a wholesaler by agreement with a retailer is actually authorized to perform for the retailer the promotional services as to which a promotional offer is made, the seller may assume that notice of, and payment under, a promotional plan to the wholesaler constitutes notice and payment to the retailer.

(c) A seller who follows any procedure reasonably designed to inform all his competing customers of his promotional programs, including any of the procedures illustrated under Example 2 above, will be considered by the Commission to have fulfilled his "good faith" obligation under this section if he accompanies such procedure with the following supplementary measures: After each short term promotion (one lasting less than 8 weeks) and at regular intervals during promotions which continue for a longer period, the seller takes affirmative steps to verify the effectiveness of his notification procedure by making spot checks designed to reach a representative cross section of his indirect-buying customers. Whenever such spot checks indicate that the notification procedure is deficient, in that some indirect customers are not receiving actual notice of the promotion, the seller takes immediate steps to expand or to supplement his notification procedure in a manner reasonably designed to eliminate the repetition or continuation of any such deficiency in the future. [Guide 8]

§ 240.9 Availability to all competing customers.

(a) The plan should be such that all types of competing customers may participate. It should not be tailored unfairly to favor or discriminate against a particular class of customers. This may require offering all such customers more than one way to participate in the plan or offering alternative terms and conditions to particular customer classes. The seller cannot either expressly, or by the way the plan operates, eliminate some competing customers, although he may offer alternative plans designed for different customer classes. If he offers alternative plans, all of the plans offered must provide the same proportionate equality and the seller should inform competing customers of the various alternative plans.

(b) With respect to promotional plans offered to retailers, the seller must ensure that his plans or alternatives do not bar any competing retailer customers from participation whether they purchase directly from him or through a wholesaler or other intermediary.

(c) When a seller, in good faith, offers a basic plan, including alternatives, which is reasonably fair and nondiscriminatory, and refrains from taking any steps which would prevent any customer, or class of customers, from participating in his program, he shall be deemed to have satisfied his obligation to make his plan "functionally available" to all customers, and the failure of any customer or customers to participate in the program shall not be deemed to place the seller in violation of the Act.

Example 1. A manufacturer offers a plan for construction of store displays of varying sizes, including some small enough so that all his competing customers are reasonably able to satisfy the requirement. The plan also calls for certification of performance by the retailer. Because they are reluctant to process any paperwork, many small retailers do not participate. This fact is not deemed to place the manufacturer in violation of § 240.9 and he is under no obligation to provide additional alternatives.

Example 2. A manufacturer offers a plan for cooperative advertising on radio, television, or in newspapers of general circulation. The purchases by some of his customers are too small to permit effective use of this offer in promoting the manufacturer's product. The manufacturer may offer them a "functionally available" alternative on proportionally equal terms, such as envelope stuffers, handbills, or other usable services furnished by the manufacturer.

[Guide 9]

§ 240.10 Need to understand terms.

In informing customers of the details of a plan, the seller should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished. [Guide 10]

§ 240.11 Checking customer's use of payments.

(a) The seller should take reasonable precautions to see that services he is paying for are furnished and also that he is not overpaying for them. Moreover, the customer must expend an allowance solely for the purpose for which it was given. If the seller knows or should know that what he pays or furnishes is not being properly used by some customers, the improper payments or services must be discontinued.

(b) A seller who, in good faith, takes reasonable and prudent measures to verify the performance of his competing customers will be deemed to have satisfied his obligations under the Act. Also, a seller who, in good faith, concludes a promotional agreement with wholesalers or other intermediaries and who otherwise conforms to the standards of § 240.13 shall be deemed to have satisfied this obligation. If a seller has taken such steps, the fact that a particular customer has retained an allowance in excess of the cost or value of services performed by him shall not alone be deemed to place a seller in violation of the Act.

Example 1. A manufacturer gives "functionally available" promotional allowances for cooperative advertising which require placing advertisements in whatever medium the customer normally utilizes—e.g., radio, newspapers, magazines, handbills, etc. The manufacturer requires that each customer's

request for payment be signed and attest that the required performance was rendered. Further, whenever evidence of the advertising—such as a tear sheet or a copy of the invoice from the radio station—is readily available to the customer, the manufacturer requires that such evidence accompany the request for payment. In cases in which such verification is not readily available, the manufacturer spot checks in a manner designed to reach a representative cross section of participating retailer customers to ascertain proof of performance. The manufacturer has satisfied his obligations of verification under the Act.

[Guide 11]

§ 240.12 Competing customers.

The seller is required to provide in his plan only for those customers who compete with each other in the resale of the seller's products of like grade and quality. Therefore, a seller must make available to all competing wholesalers any plan providing promotional payments or services to wholesalers, and similarly, must make available to all competing retailers any plan providing promotional payments or services to retailers. With these requirements met, a seller can limit the area of his promotion. However, this section is not intended to deal with the question of a seller's liability for use of an area promotion where the effect may be to injure the seller's competition.

Example 1. Manufacturer A, located in Wisconsin and distributes shoes nationally, sells shoes to three retailers who compete with each other and sell only in the Roanoke, Virginia, area. He has no other customers selling in Roanoke or its vicinity. If he offers his promotion to one Roanoke customer, he must include all three, but he can limit it to them. The trade area selected must be a natural one and not drawn arbitrarily so as to exclude competing retailers.

Example 2. A national seller has direct-buying retailing customers reselling exclusively within the Baltimore City trade area, and other customers within that area purchasing through wholesalers. The seller may lawfully engage in a promotional campaign confined to the Baltimore area, provided he affords all of his retailing customers within the area the opportunity to participate, including those who purchase through wholesalers.

Example 3. A seller manufactures and sells men's suits and sport jackets (of one quality level) to retail stores nationally. He may restrict allowances to Philadelphia area retailers for their promotion of sport jackets during a particular season. He may not restrict allowances in the Philadelphia area for the promotion of certain styles of sport jackets unless all retailers of his sport jackets in the area are offered the opportunity to purchase the promoted styles and participate in the promotion.

NOTE: The seller must be careful here not to discriminate against customers located on the fringes but outside the area selected for the special promotion, since they may be actually competing with those participating.

[Guide 12]

§ 240.13 Wholesaler or third party performance of seller's obligations.

(a) A seller may, in good faith, enter into written agreements with intermediaries, such as wholesalers, distributors or other third parties, including promoters of tripartite promotional plans, which provide that such intermediaries will perform all or part of the seller's obligations under this part. However, the interposition of intermediaries between the seller and his customers does not relieve the seller of his ultimate responsibility of compliance with the law. The seller, in order to demonstrate his good faith effort to discharge his obligations under this part, should include in any such agreement provisions that the intermediary will:

(1) Give notice to the seller's customers in conformity with the standards set forth in § 240.8;

(2) Check customer performance in conformity with the standards set forth in § 240.11;

(3) Implement the plan in a manner which will insure its functional availability to the seller's customers in conformity with the standards set forth in § 240.9. (This must be done whether the plan is one devised by the seller himself or by the intermediary for use by the seller's customers.)

(4) Provide certification in writing and at reasonable intervals that the seller's customers have been and are being treated in conformity with the agreement.

(b) A seller who negotiates such agreements with his wholesalers, distributors, or third party promoters will be considered by the Commission to have justified his "good faith" obligations under this section if he accompanies such agreements with the following supplementary measures: After each short term promotion (one lasting less than 8 weeks) and at regular intervals during promotions which continue for a longer period, the seller takes affirmative steps to verify that his indirect buying customers are receiving the proportionally equal treatment to which they are entitled by making spot checks designed to reach a representative cross section of his indirect buying customers. Whenever such spot checks indicate that the agreements are not being implemented in such a way that the indirect customers are receiving such proportionally equal treatment, the seller takes immediate steps to expand or to supplement such agreements in a manner reasonably designed to eliminate the repetition or continuation of any such discriminations in the future.

Example 1. A seller may not buy advertising time from a radio station and have the station furnish free radio time only to certain favored customers of the seller.

Example 2. A seller may not participate in a tripartite promotional plan providing for in-store promotion of his products unless all his competing customers are given an opportunity to participate in the intermediary's basic plan and, in the event some cannot use the basic plan, unless a suitable and usable alternative is also made available on proportionally equal terms. The seller may not escape responsibility if the intermediary operates the program in a discriminatory fashion unless he has entered into an agreement with the intermediary as described above and unless he has fulfilled his duty to conduct periodic checks of the intermediary's performance.

Example 3. A seller may not participate in a tripartite plan involving many sellers if the customers to whom the plan is offered must purchase the products of other participating sellers before they are eligible to receive the benefits of the promotional program. The customer of any one seller may not be required to purchase or promote other sellers' products as a condition to receiving promotional payments or services from the seller, even though a tripartite program is involved.

(c) Intermediaries administering promotional assistance programs on behalf of a seller may violate section 5 of the Federal Trade Commission Act if they have agreed to perform the seller's obligations under the law with respect to a program which they have represented to be usable and suitable for all the seller's competing customers if it should later develop that the program was not offered to all or, if offered, was not usable or suitable, or was otherwise administered in a discriminatory manner.

Example 1. Promoter A devises a program for in-store advertising of grocery products on shopping carts. No alternative means of participation are provided. Seller B enters into a contract with A for participation in the program. In fact, some of Seller B's competing customers do not have shopping carts. Assuming that Seller B is in violation of section 2(d) of the Clayton Act, as amended, Promoter A may be in violation of section 5 of the Federal Trade Commission Act for his participation in the program which resulted in B's violation.

[Guide 13]

§ 240.14 Customer's liability.

Sections 2 (d) and (e) apply only to sellers and not to customers. However, a customer who knows, or should know, that he is receiving payments or services which are not available on proportionally equal terms to his competitors engaged in the resale of the same seller's products, may be proceeded against by the Commission under section 5 of the Federal Trade Commission Act, which prohibits unfair methods of competition.

Example 1. A customer may not receive advertising allowances for special promotion of the seller's products in connection with the customer's anniversary sale or new store opening, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example 2. A customer may not receive seller contributions to the cost of his institutional advertising, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example 3. A customer, an experienced buyer, is offered an allowance of 25 percent of his purchase volume by a seller for cooperative advertising to be paid for 100 percent by the seller. The customer knows, or should know, that most cooperative advertising programs in the industry allow payments of from 3 to 7 percent of purchases, and require 50–50 sharing by the seller and the customer.

He would be on notice to inquire of the seller and to take such other affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products.

Example 4. A customer may not receive from a seller or intermediary services, such as those services performed in connection with a store opening, remodeling or special sales promotion, etc., unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such services are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example 5. Frequently the employees of sellers or third parties such as brokers perform in-store services for their grocery retailer customers such as stocking of shelves, building of displays and checking or rotating inventory, etc. A customer operating a retail grocery business may not induce or receive such services when the customer knows or should know that such services are not available on proportionally equal terms to all of the other customers of the seller competing with him in the distribution of the seller's products.

[Guide 14]

§ 240.15 Meeting competition.

A seller charged with discrimination in violation of section 2(d) or section 2(e) may defend his actions by showing that the payments were made or the services were furnished in good faith to meet equally high payments made by a competing seller to the particular customer, or to meet equivalent services furnished by a competing seller to the particular customer. This defense, however, is subject to important limitations. For instance, it is insufficient to defend a charge of violating either section 2(d) or 2(e) solely on the basis that competition in a particular industry is very keen, requiring that special allowances must be given to some customers if a seller is "to be competitive." [Guide 15]

§ 240.16 Cost justification.

It is no defense to a charge of unlawful discrimination in the payment of an allowance or the furnishing of a service for a seller to show that such payment, service, or facility could be justified through savings in the cost of manufacture, sale or delivery. [Guide 16]

Promulgated by the Federal Trade Commission March 6, 1969.

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

[F.R. Doc. 69-2662; Filed, Mar. 5, 1969; 8:45 a.m.]