FEDERAL REGISTER

VOLUME 34 • NUMBER 49

Thursday, March 13, 1969 • Washington, D.C.

Pages 5147–5218

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

52 5151
906 5155
907 5156
908 5156
944 5156
953 5157
965 5157

12 CFR

526 5151
569 5151

14 CFR

71 5157
73 5157

PROPOSED RULES:

71 (4 documents) 5180, 5181

18 CFR

PROPOSED RULES:

157 5182

29 CFR

464 5158
465 5158

PROPOSED RULES:

462 5176

31 CFR

5 5159

33 CFR

208 5159

41 CFR

3-1 5159
3-2 5159
3-3 5159
3-4 5159
3-5 5159
3-6 5159
3-7 5159
3-55 5159
29-60 5169
101-45 5172

42 CFR

PROPOSED RULES:

73 5177

43 CFR

PROPOSED RULES:

4 5173

47 CFR

21 5172

50 CFR

33 (2 documents) 5172

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 22,634]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Notice and Certificate Accounts

MARCH 6, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526), relating to limitations on rate of return, to provide a maximum rate of return payable on notice accounts applicable uniformly to all member institutions and to remove a limitation on the maximum rate of return payable on certain certificate accounts issued during a distribution period in which a member institution issues both notice accounts and such certificate accounts, and for the purpose of effecting such amendments, hereby amends the regulations for the Federal Home Loan Bank System (12 CFR Part 526) as follows, effective April 1, 1969:

1. Paragraph (b) of § 526.4 is amended to read as follows:

§ 526.4 **Maximum rate of return payable on certificate accounts.**

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts.* During a distribution period with respect to which a member institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent per annum, except as otherwise herein provided.

* * * * *

2. Section 526.5 is amended to read as follows:

§ 526.5 **Maximum rate of return payable on notice accounts.**

No member institution shall pay a return on notice accounts at a rate in excess of 5 percent per annum.

§ 526.6 [Revoked]

3. Section 526.6 is revoked.

(Sec. 4, 80 Stat. 824, as amended; 12 U.S.C. 1425b)

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

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-3052; Filed, Mar. 12, 1969; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,635]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Notice and Certificate Accounts

MARCH 6, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 569 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 569), relating to limitations on rate of return, to provide a maximum rate of return payable on notice accounts applicable uniformly to all insured institutions and to remove a limitation on the maximum rate of return payable on certain certificate accounts issued during a distribution period in which an insured institution issues both notice accounts and such certificate accounts, and for the purpose of effecting such amendments, hereby amends the Rules and Regulations for Insurance of Accounts (12 CFR Part 569) as follows, effective April 1, 1969:

1. Paragraph (b) of § 569.4 is amended to read as follows:

§ 569.4 **Maximum rate of return payable on certificate accounts.**

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts.* During a distribution period with respect to which an insured institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent per annum, except as otherwise herein provided.

* * * * *

2. Section 569.5 is amended to read as follows:

§ 569.5 **Maximum rate of return payable on notice accounts.**

No insured institution shall pay a return on notice accounts at a rate in excess of 5 percent per annum.

§ 569.6 [Revoked]

3. Section 569.6 is revoked.

(Sec. 4, 80 Stat. 824, as amended; 12 U.S.C. 1425b)

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

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-3053; Filed, Mar. 12, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Frozen Asparagus [1]

On April 6, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5462) regarding

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

a proposed revision of the U.S. Standards for Grades of Frozen Asparagus (7 CFR 52.381 to 52.394). Interested parties were given until January 1, 1969, to submit views.

Statement of consideration leading to the revised standards. These grade standards—issued under authority of the Agricultural Marketing Act of 1946—provide for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Grading service is also provided under this Act upon request and payment of a fee to cover the cost of the service.

Important and constructive views were submitted by the National Association of Frozen Food Packers and an individual frozen foods firm which supported the Association's position. In consideration of the views presented and information available to the Department, the proposed revision of the standards is hereby adopted to include these provisions which clarify or amplify the intent of the proposals:

(1) Limits for individual containers with respect to percentage of heads permitted in "Cut Spears" styles conforming to the previous grade standards;

(2) An increase in sample unit size from 50 pieces to 100 pieces in all cut styles;

(3) Continue a "Green and White" type pack which is covered by the previous grade standards;

(4) Modify and clarify the defect classifications under Color and Uniformity of Length.

Certain recommendations of the Association have not been adopted for these reasons:

(a) Increases in the AQL's (Acceptable Quality Levels) for Grade A would substantially relax the criteria attainable by processors and provide a lower quality for marketing beyond that expected by consumers.

(b) An increase in the allowances for the first sample unit is not statistically sound and those limits which are presently proposed already allow ample leeway for the first sample unit.

(c) A procedure for separating nonacceptable portions from otherwise acceptable lots is an inspection procedure and not properly a part of the grade standards or lot compliance therewith.

The revised standards are as follows:

PRODUCT DESCRIPTION, TYPES, AND STYLES

AUTHORITY: The provisions of this subpart issued under sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622.

PRODUCT DESCRIPTION, TYPE, AND STYLES

§ 52.381 Product description.

Frozen asparagus consists of sound and succulent fresh shoots of the asparagus plant (asparagus officianalis). The product is prepared by sorting, trimming, washing, and blanching as necessary to assure a clean and wholesome product. It is then frozen and stored at temperatures necessary for preservation.

§ 52.382 Types.

(a) "Green" or "all-green" consists of units of frozen asparagus which are typical green, light green, or purplish green in color.

(b) "Green-white" consists of frozen asparagus spears and tips which have typical green, light green, or purplish green color to some extent but which are white in the lower portions of the stalk.

§ 52.383 Styles.

(a) "Spears" (or "stalks") style consists of units composed of the head and adjoining portion of the shoot that are 3 inches or more in length.

(b) "Tips" style consists of units composed of the head and adjoining portion of the shoot that are less than 3 inches in length.

(c) "Cut spears" or "cuts and tips" style consists of the head and portions of the shoot cut transversely into units 2 inches or less but not less than one-half inch in length. To be considered of this style, head material shall be present in these amounts for the respective lengths of cuts:

(1) *1¼ inches or less.* Not less than 18 percent (average) by count, of all cuts, are head material.

(2) *Longer than 1¼ inches.* Not less than 25 percent (average) by count, of all cuts are head material.

(d) "Center cuts" or "cuts" style consists of portions of shoots (with or without head material) that are cut transversely into units not less than one-half inch in length and that fail to meet the definition for "cut spears" or "cuts and tips" style.

DEFINITIONS OF TERMS

§ 52.384 Definitions of terms.

(a) Absolute limit (AL). Limit for maximum number of defects permitted in a sample unit.

(b) Defects. Any specifically defined variation from a particular requirement. Defects are classified as to "minor," "major," "severe," and "critical."

(c) Head. In "cut spears" or "cuts and tips" style means:

(1) A tip end which is three-eighths inch or more in length; or

(2) An upper portion of a shoot which possesses a substantial amount of compact head material.

(d) Sample. The number of sample units to be used for inspection of the lot.

(e) Sample unit. The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container, or

(2) A portion of the contents of a container,

(3) A combination of the contents of two or more containers, or

(4) A portion of unpackaged product.

SAMPLE UNIT SIZE

§ 52.385 Sample unit size.

Compliance with requirements for factors of quality is based on the following sample unit size for the respective style of pack:

(a) Spears; tips—50 spears or 50 tips.

(b) Cut spears; cuts and tips; center cuts and cuts—100 pieces.

SIZES

§ 52.386 Size of frozen asparagus.

The size of frozen asparagus in spears or tips style is determined by measuring the longest dimension at right angles to the longitudinal axis of the unit at the largest dimension of the stalk. The word and number designations of the various sizes of frozen asparagus are shown in Table I.

TABLE I

SIZES OF FROZEN ASPARAGUS SPEARS AND TIPS

Word designation	Number designation	Diameter in inches
Small	1	Less than ⅜ inch.
Medium	2	⅜ inch or larger but less than ⅝ inch.
Large (Jumbo)	3	⅝ inch or larger but less than ⅞ inch.
Extra Large (Colossal).	4	⅞ inch or larger.
Blend of sizes		A blend of not more than three adjacent sizes which does not meet the acceptance criteria for a single size but meets the criteria for Blend of sizes (Table II and III).
Mixture of sizes		Fails to meet the requirements of a single size or blend of sizes.

§ 52.387 Size classification and compliance.

Frozen asparagus in "spears" and "tips" styles are considered as meeting the designated single size or blend of sizes, if they meet the criteria specified in Tables II and III. Defects are classified as to minor, major, and severe. Each "X" mark in Table II represents "one (1) defect."

TABLE II

Size classification	Defects	Classification		
		Minor	Major	Severe
Single sizes:				
Small	Medium size	X		
	Large size		X	
	Extra-Large size			X
Medium	Small size		X	
	Large	X		
	Extra-Large size			X
Large	Small size			X
	Medium size		X	
	Extra-Large size	X		
Extra-Large	Small size			X
	Medium size		X	
	Large size	X		
Blends of sizes:				
Small/Medium Blend	Large size	X		
	Extra-Large size	X		
Medium/Large Blend	Small size	X		
	Extra-Large size	X		
Large/Extra-Large Blend	Small size	X		
	Medium size	X		
Small/Medium/Large Blend	Extra-Large size	X		
Medium/Large/Extra-Large Blend	Small size	X		

TABLE III

Tolerances for size compliance		Single sizes			Blends of sizes
		Maximum defects permitted			
In any sample unit (A.I.) [1]		9	5	16	9
Number of sample units	Number of spears or tips	Major	Severe	Total [2]	Minor or total [2]
		In the total sample			*In the total sample*
1	50	6	3	12	6
2	100	11	5	21	11
3	150	15	7	30	15
4	200	19	9	39	19
5	250	23	10	48	23
6	300	27	12	56	27
7	350	30	13	64	30
8	400	34	15	73	34
9	450	38	17	81	38
10	500	42	18	89	42
11	550	46	20	98	46
12	600	49	21	106	49
13	650	53	23	114	53
14	700	57	24	122	57
15	750	60	26	130	60
16	800	64	27	138	64
17	850	67	29	146	67
18	900	71	30	154	71
19	950	75	31	162	75
20	1000	78	33	170	78
21	1050	82	34	178	82

[1] In any sample unit, except the first one of 50 spears or tips.
[2] "Total"—the sum of "Severe", "Major", and "Minor" defects, as applicable.
[3] In "Blends of Sizes", "Minor" and "Total" defects are the same.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

§ 52.388 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen asparagus that is of similar varietal characteristics; that has a good flavor and odor; that is free of grit, silt, or earthy material; and that has an attractive appearance and eating quality within the limits specified in the various quality factors.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen asparagus that is of similar varietal characteristics; that has a good flavor and odor; that is free of grit, silt, or earthy material; and that has a reasonably attractive appearance and eating quality within the limits specified for the various quality factors.

(c) "Substandard" is the quality of frozen asparagus that fails to meet the requirements of U.S. Grade B.

§ 52.389 Factors of quality and grade compliance.

(a) The grade of a lot of frozen asparagus is based on compliance with requirements for the following quality factors:

(1) Color (Table IV);

(2) Uniformity of lengths (Table IV);

(3) Character (Table V);

(4) Damage (Table V); and

(5) Harmless extraneous vegetable material (Table VI).

(b) Defects are classified as to minor, major, severe, or critical. Each "X" mark in Tables IV, V, and VI represents "one (1) defect."

TABLE IV

CLASSIFICATION OF DEFECTS

Color—Length

Quality factors	Defects	Classification		
		Minor	Major	Severe
Color	Green or all-green spears or tips:			
	White or yellowish-white color exceeding ¼ inch up to ½ the length of the stalk		X	
	White or yellowish-white color over ½ the length of the stalk			X
	Green-white spears or tips: White or yellowish-white color exceeding ½ the length of the stalk		X	
	All types:			
	Cut Spear; Cuts and Tips; "Cuts"; Center Cuts styles: White or yellowish-white; or partially of such color		X	
Uniformity of length	Spears; Tips styles: Any unit which varies more than 1½ inches from the predominant length of the sample unit	X		
	Cut Spears; Cut and Tips; Cuts; Center Cuts Style:			
	Any unit that varies more than ½ inch from the predominant length of the sample unit	X		
	Any unit that varies more than 1 inch from the predominant length of the sample unit		X	

TABLE V

CLASSIFICATION OF DEFECTS

Character—Damage

Quality factors	Defects	Classification		
		Minor	Major	Severe
Character	Reasonably-well developed—in Grade A only (worse than plate 1 but not worse than Plate 2 or 3) [1]	X		
	Poorly developed—in all grades (worse than Plate 2 or 3):			
	Seedy		X	
	Flowered			X
	Tough fiber development:			
	1 inch or less	X		
	More than 1 inch but not more than 2 inches		X	
	More than 2 inches or woody units of any length			X
Damage	Shattered Heads—broken or shattered to the extent that it is definitely noticeable	X		
	Misshapen—badly crooked or affected in appearance by doubles or malformations	X		
	Poorly Cut—angle of cut less than 45 degrees—cut is ragged or partially cut	X		
	Discoloration, mechanical injury, pathological or damaged by other means to the extent that the appearance and eating quality of a unit is affected:			
	Slightly	X		
	Materially		X	
	Seriously			X

[1] For interpretative guides, see USDA illustrations of "Stages of Development in Frozen Asparagus," filed with the Office of the Federal Register as part of the original document.

TABLE VI

CLASSIFICATION OF DEFECTS

Extraneous material

Quality factors	Defects	Classification			
		Minor	Major	Severe	Critical
Harmless extraneous vegetable material.	Grass, weeds, leaves, stems, and dried stalks:				
	1 inch or less	X			
	More than 1 inch but not more than 2 inches		X		
	More than 2 inches but not more than 3 inches			X	
	More than 3 inches				X

TABLE VII

Grade compliance spears and tips		U.S. Grade A				U.S. Grade B			
		Maximum defects permitted							
In any sample unit (AL) [1]		0	5	9	14	2	9	14	25
Number of sample units	Number of spears or tips	Critical	Severe	Major	Total [2]	Critical	Severe	Major	Total [2]
		In the total sample				*In the total sample*			
1	50	0	3	6	10	1	6	10	20
2	100	0	5	11	18	2	11	18	37
3	150	0	7	15	25	2	15	25	53
4	200	0	9	19	32	3	19	32	68
5	250	0	10	23	40	4	23	40	84
6	300	0	12	27	47	4	27	47	99
7	350	0	13	30	54	5	30	54	114
8	400	0	15	34	61	5	34	61	130
9	450	0	17	38	68	6	38	68	145
10	500	0	18	42	75	6	42	75	160
11	550	0	20	46	82	7	46	82	175
12	600	0	21	49	88	7	49	88	190
13	650	0	23	53	95	8	53	95	204
14	700	0	24	57	102	8	57	102	219
15	750	0	26	60	109	9	60	109	234
16	800	0	27	64	116	9	64	116	249
17	850	0	29	67	122	9	67	122	264
18	900	0	30	71	129	10	71	129	278
19	950	0	31	75	136	10	75	136	293
20	1000	0	33	78	142	11	78	142	308
21	1050	0	34	82	149	11	82	149	322

[1] In any sample unit, except the first one of 50 spears or tips.
[2] "Total"—the sum of "Critical", "Severe", "Major", and "Minor" defects, as applicable.

TABLE VIII

Grade compliance bottom cuts, cuts, and tips		U.S. Grade A				U.S. Grade B			
		Maximum defects permitted							
In any sample unit(AL) [1]		0	7	14	22	3	14	22	44
Number of sample units	Number of cuts	Critical	Severe	Major	total [2]	Critical	Severe	Major	Total [2]
		In the total sample				*In the total sample*			
1	100	0	5	11	18	2	11	18	37
2	200	0	9	19	33	3	19	33	68
3	300	0	12	27	47	4	27	47	99
4	400	0	15	34	61	5	34	61	130
5	500	0	18	42	76	6	42	76	160
6	600	0	21	49	88	7	49	88	190
7	700	0	24	56	102	8	56	102	219
8	800	0	27	64	117	9	64	117	249
9	900	0	30	71	129	10	71	129	278
10	1000	0	33	78	142	11	78	142	308
11	1100	0	36	85	156	12	85	156	337
12	1200	0	39	92	169	12	92	169	366
13	1300	0	42	99	182	13	99	182	396
14	1400	0	45	106	195	14	106	195	425
15	1500	0	47	113	209	15	113	209	454
16	1600	0	50	120	222	16	120	222	483
17	1700	0	53	127	235	17	127	235	512
18	1800	0	56	134	248	17	134	248	541
19	1900	0	59	141	261	18	141	261	570
20	2000	0	62	148	274	19	148	274	599
21	2100	0	64	155	287	20	155	287	628

[1] In any sample unit, except the first one of 100 cuts.
[2] "Total"—the sum of "Critical", "Severe", "Major", and "Minor" defects, as applicable.

LOT COMPLIANCE

§ 52.390 Sample size.

(a) *General.* The sample size to determine compliance with requirements for size, percent head material, and quality factors shall be the sampling plans specified in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§§ 52.1–52.87).

(b) *Acceptance numbers.* The acceptance numbers for deviants specified in the sampling plans cited in paragraph (a) of this section do not apply to these standards.

§ 52.391 Lot acceptance for size.

A lot of frozen asparagus is considered as meeting the requirements for a specified size if the defects permitted and the AL values for the applicable defect classifications, specified in Table III, are not exceeded.

§ 52.392 Lot acceptance for "Percent Head Material" in the style of cut-spears.

The percent, by count, of heads is determined by averaging the percentage of heads in all of the sample units comprising the sample: *Provided*, That:

(a) When cut into units 1¼ inches or less in length no individual sample unit may contain less than 12 percent, by count, of heads; and

(b) When cut into units longer than 1¼ inches, no sample unit may contain less than 15 percent, by count, of heads.

§ 52.393 Lot acceptance for quality.

A lot of frozen asparagus is considered as meeting the quality requirements of either U.S. Grade A or U.S. Grade B if:

(a) The product has a good flavor and odor; and

(b) The product is free of grit, silt, or any other particle of earthy material that affects the appearance or edibility; and

(c) The defects permitted and the AL values for the applicable defect classifications, specified in Tables VII and VIII, are not exceeded.

SCORE SHEET

§ 52.394 Score sheet for frozen asparagus.

DEFECT TALLY SHEET FOR FROZEN ASPARAGUS

Number, size, kind of container
Label statements
Container mark or identification. {Packages / Cases}
Net weight
Style
Sizes of spears; tips styles
Head material (percent)

Quality factors		Defects							
		Sample unit				Sample unit			
		Minor	Major	Severe	Critical	Minor	Major	Severe	Critical
Color									
Uniformity of length									
Damage									
Harmless extraneous material									
Character									
Total defects—Each class									
Total defects—All classes: Minor, Major, Severe, Critical									
Size—Diameters									
Total defects—Each class									
Total defects—All classes: Minor, Major, Severe									
Flavor and odor	Good								
	Objectionable								
Grit, silt, earthy material	Free								
	Present/degree								
Grade									

The U.S. Standards for Grades of Frozen Asparagus (which is the fourth issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and there upon will supersede the U.S. Standards for Grades of Frozen Asparagus (7 CFR Part 52) which has been in effect since March 15, 1968.

Dated: March 7, 1969.

JOHN E. TROMER,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-2995; Filed, Mar. 12, 1969; 8:45 a.m.]

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

[Orange Reg. 19, Amdt. 3]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, 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 recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Valencia and similar late type oranges in that it permits the shipment of such oranges at a smaller size than currently provided. The amendment changes the minimum size requirement for Valencia and similar late type oranges from 2$^{9}/_{16}$ inches in diameter to 2$^{7}/_{16}$ inches in diameter.

Order. The provisions of § 906.342(a)(3) (Orange Reg. 19; 33 F.R. 14067, 14282, 17894) are amended to read as follows:

§ 906.342 Orange Regulation 19.

(a) *Order.* * * *

(3) During the period March 10, 1969, through September 14, 1969, no handler shall handle any Valencia and similar late type variety oranges grown in the production area, unless such oranges

grade at least U.S. No. 2; and are of a size not smaller than 2⁵⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2⁵⁄₁₆ inches in diameter.

* * * * *

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

Dated, March 7, 1969, to become effective March 10, 1969.

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

[F.R. Doc. 69-3045; Filed, Mar. 12, 1969; 8:48 a.m.]

[Navel Orange Reg. 173]

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

Limitation of Handling

§ 907.473 Navel Orange Regulation 173.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 11, 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 14, 1969, through March 20, 1969, are hereby fixed as follows:

(i) District 1: 900,000 cartons;
(ii) District 2: 300,000 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 12, 1969.

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

[F.R. Doc. 69-3149; Filed, Mar. 12, 1969; 11:23 a.m.]

[Valencia Orange Reg. 265]

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

Limitation of Handling

§ 908.565 Valencia Orange Regulation 265.

(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 11, 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 14, 1969, through March 20, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 274,280 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 12, 1969.

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

[F.R. Doc. 69-3148; Filed, Mar. 12, 1969; 11:23 a.m.]

[Orange Reg. 8, Amdt. 4]

PART 944—FRUIT; IMPORT REGULATIONS

Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a)(3) of § 944.307 (Orange Reg. 8; 32 F.R. 12993, 14311; 33 F.R. 14171, 18088) are hereby amended to read as follows:

§ 944.307 Orange Regulation 8.

(a) * * *

(3) Beginning March 10, 1969, through September 14, 1969, Valencia and similar late type oranges shall grade at least U.S. No. 2 and be of a size not smaller than 2⁵⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2⁵⁄₁₆ inches in diameter.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those to be in effect beginning March 10, 1969, on domestic shipments of Valencia and similar late type oranges under Orange Regulation 19, Amendment 3 (§ 906.342); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) this amendment relieves restrictions on the importation of Valencia and similar late type oranges.

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

Dated, March 7, 1969, to become effective March 10, 1969.

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

[F.R. Doc. 69-3044; Filed, Mar. 12, 1969; 8:48 a.m.]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953; 33 F.R. 8502, 8506), regulating the handling of Irish potatoes grown in the Southeastern States production area which is comprised of certain designated counties of Virginia and North Carolina, was published in the FEDERAL REGISTER February 4, 1969 (34 F.R. 1656). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice which were recommended on January 21 by the Southeastern Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 953.206 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such committee to carry out its functions pursuant to provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending October 31, 1969, will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth of one cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such fiscal period, and (2) the current fiscal period began on November 1, 1968, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: March 7, 1969.

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

[F.R. Doc. 69-3046; Filed, Mar. 12, 1969; 8:49 a.m.]

PART 965—TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Order No. 965 (7 CFR Part 965) regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr and Willacy in Texas (Lower Rio Grande Valley) was published in the FEDERAL REGISTER February 12, 1969 (34 F.R. 2051). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than seven days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were unanimously recommended by the Texas Valley Tomato Committee, established pursuant to said marketing order, it is hereby found and determined that:

§ 965.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1969, will amount to $400.

(b) There shall be no assessments charged during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Order No. 965 (7 CFR Part 965).

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that tomatoes have not been regulated and no assessments are being levied.

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

Dated: March 7, 1969.

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

[F.R. Doc. 69-3047; Filed, Mar. 12, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-WE-25]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

On June 5, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8349) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations

which would designate a joint use restricted area near Point Arguello, Calif., and include it in the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two written comments were received during the notice period.

The Air Transport Association objected to the proposed restricted area on the basis that it would infringe on airspace required for airline operations. Although this restricted area would overlie a portion of Control Area 1176, the actual encroachment is very small. The overlapping airspace is seldom used for air traffic control purposes. Furthermore, it is anticipated that the restricted area will be used only four to six times per month for a period of 1 to 2 hours for each time of activation. Therefore, the adverse effect of this action on air traffic should be minimal.

Mr. Preston B. Hotchkis, President of the Bixby Ranch Co. which owns land near Point Conception, strongly objected to the proposed restricted area on the premise that the airspace restrictions would deprive the Bixby Ranch of the use of its property and that the development and economy of Santa Barbara County would be seriously inhibited. In his letter of objection, Mr. Hotchkis proposed a meeting of all interested parties to consider the needs and interests of all parties concerned. On October 11, 1968, the requested meeting was held with representatives of Bixby Ranch Co.; MACCO Corp., who joined Bixby Ranch in opposing the proposal; and the Air Force Western Test Range. The objectors expressed their continued concern for the possible deleterious effect the restricted area would have on the value of their property underlying the restricted airspace. A subsequent letter from Gibson, Dunn, and Crutcher, attorneys for Bixby Ranch Co., outlined in detail their client's view and concern with respect to land use restrictions and the restricted area requirements.

In further study and discussion of the proposal, the proponent assured the FAA that if early destruct action is necessary, hard missile particles would be contained within the confines of R-2516 and R-2517. In view of this new information, there was no apparent need for restricted airspace to the surface. Consequently, the proponent agreed that they did not have a requirement for restricted airspace below 500 feet above ground level.

The purpose of this restricted area, as redefined by the proponent, is to provide a noise-free radiofrequency (RF) environment for launch facilities and instrumentation sites.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

1. In § 71.151 (34 F.R. 4546) the continental control area is amended by adding "R-2534A Point Arguello, Calif.," and "R-2534B Point Arguello, Calif."

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

R-2534A POINT ARGUELLO, CALIF.

Boundaries: Beginning at lat. 34°38'35" N., long. 120°31'20" W.; to lat. 34°35'45" N., long. 120°28'10" W.; to lat. 34°36'20" N., long. 120°27'20" W.; to lat. 34°30'00" N., long. 120°15'30" W.; to lat. 34°25'10" N., long. 120°15'30" W.; thence 3 miles from and parallel to the shoreline to lat. 34°24'40" N., long. 120°19'10" W.; to point of beginning.

Designated altitudes: 500 feet above the surface to unlimited.

Time of designation: Continuous.

Controlling agency: FAA, ARTCC, Los Angeles, Calif.

Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

R-2534B POINT ARGUELLO, CALIF.

Boundaries: Beginning at lat. 34°38'35" N., long. 120°31'20" W.; to lat. 34°24'40" N., long. 120°19'10" W.; thence 3 miles from and parallel to the shoreline to lat. 34°23'40" N., long. 120°26'55" W.; to lat. 34°35'00" N., long. 120°31'40" W.; to point of beginning.

Designated altitudes: 500 feet above the surface to unlimited.

Time of designation: Continuous.

Controlling agency: FAA, ARTCC, Los Angeles, Calif.

Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

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

Issued in Washington, D.C., on March 5, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-3039; Filed, Mar. 12, 1969; 8:48 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 464—BASIC BONDING REQUIREMENTS

PART 465—EXEMPTION FROM BONDING REQUIREMENTS

Investment Advisers, Banks and Trust Companies

On January 23, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1051) a notice of proposed amendments to 29 CFR Parts 464 and 465. Interested persons were invited to submit comments with respect to the proposed amendments within 15 days of the date of publication. The comments received have been reviewed, and have been considered. Therefore, in accordance with section 13(e), Welfare and Pension Plans Disclosure Act, 29 U.S.C. 308d(e), 29 CFR 465.8 and in accordance with Secretary's Order No. 16-68 (33 F.R. 15574) 29 CFR Parts 464 and 465 are hereby amended in the following manner:

1. Paragraph (d) of § 464.4 is amended and paragraph (e) is deleted as follows:

§ 464.4 Plan administrators, officers, and employees for purposes of section 13.

* * * * *

(d) *Other persons covered.* For purposes of the bonding provisions, the terms "administrator, officer, or employee" shall include any persons performing functions for the plan normally performed by administrators, officers, or employees of a plan. As such, the terms shall include persons indirectly employed, or otherwise delegated, to perform such work for the plan, such as pension consultants and planners, and attorneys who perform "handling" functions within the meaning of section 464.7. On the other hand, the terms would not include those brokers or independent contractors who have contracted for the performance of functions which are not ordinarily carried out by the administrators, officers, or employees of a plan, such as securities brokers who purchase and sell securities or armored motor vehicle companies.

(e) [Deleted]

2. Section 465.19 is amended to read as follows:

§ 465.19 Exemption.

An exemption from the bonding requirements of subsections 13 (a) and (b) of the Welfare and Pension Plans Disclosure Act is granted whereby banking institutions and trust companies specified in § 465.20 are not required to comply with subsections 13 (a) and (b) of the Act, with respect to welfare and pension benefit plans covered by the Act.

3. New §§ 465.23 and 465.24 are added preceded by a new undesignated centerhead, which read as follows:

INSURANCE CARRIERS, SERVICE AND OTHER SIMILAR ORGANIZATIONS

§ 465.23 Exemption.

An exemption from the bonding requirements of subsections 13 (a) and (b) of the Welfare and Pension Plans Disclosure Act is granted whereby any insurance carrier or service or other similar organization specified in § 465.24 is not required to comply with subsections 13 (a) and (b) of the Act with respect to any welfare or pension benefit plan covered by the Act which is established or maintained for the benefit of persons other than the employees of such insurance carrier or service or other similar organization.

§ 465.24 Conditions of exemption.

This exemption applies only to those insurance carriers, service or other similar organizations providing or underwriting welfare or pension plan benefits in accordance with State law.

These changes shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 13, 76 Stat. 39; 29 U.S.C. 308d)

Signed in Washington, this 5th day of March 1969.

W. J. USERY, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 69-3030; Filed, Mar. 12, 1969; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 5—CLAIMS COLLECTION

Designation

The Treasury Department has determined that it is desirable to allow the termination of collection efforts on claims on which the amounts outstanding is $50 or less without prior referral to the General Counsel or Chief Counsel or the designee of either. The Treasury Department also finds in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the regulation to be amended involves rules of agency practice and procedure.

Accordingly, pursuant to the authority given me by Treasury Department Order No. 190, Revision 5 (33 F.R. 5811) § 5.3 of Title 31 of the Code of Federal Regulations is amended to read as follows:

§ 5.3 Designation.

The heads of bureaus and offices and their delegates are designated as designees of the Secretary of the Treasury authorized to perform all the duties for which the Secretary is responsible under the foregoing Act and Joint Regulations: *Provided, however,* That no compromise of a claim shall be effected or collection action terminated, except upon the recommendation of the General Counsel, the Chief Counsel of the bureau or office concerned, or the designee of either. Notwithstanding the foregoing proviso, no such recommendation shall be required with respect to the termination of collection activity on any claim in which the unpaid amount of the debt is $50 or less.

(Sec. 3, 80 Stat. 309; 31 U.S.C. 951–953, 4 CFR Chap. II)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: March 7, 1969.

[SEAL] ROY T. ENGLERT,
Acting General Counsel.

[F.R. Doc. 69-3060; Filed, Mar. 12, 1969; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Red Willow Dam and Hugh Butler Lake, Red Willow Creek, Frontier County, Nebr.

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood-control purposes in Hugh Butler Lake on Red Willow Creek, Frontier County, Nebr., and the operation of Red Willow Dam for flood-control purposes.

§ 208.13 Red Willow Dam and Hugh Butler Lake, Red Willow Creek, Frontier County, Nebr.

The Bureau of Reclamation, Department of the Interior, represented by its appropriate Project Manager, hereinafter referred to as the Project Manager, shall operate Red Willow Dam and Hugh Butler Lake in the interest of flood control as follows:

(a) The flood-control storage capacity of the reservoir, which initially amounts to 48,850 acre-feet between elevations 2581.8 and 2604.9, shall be regulated as follows:

(1) For local flood control on Red Willow Creek and Republican River from the dam to Harlan County Reservoir with the objective, insofar as practicable, of limiting total streamflow in Red Willow Creek to 1,600 c.f.s. and total streamflow in Republican River to 5,500 c.f.s., whichever controls.

(2) In coordination with the regulation of other flood-control reservoirs and projects in the Republican, Kansas, and Missouri River basins; releases from and flood-control operation of the reservoir will be adjusted as required for optimum effectiveness for existing and potential flood conditions during all flood periods.

(b) During flood periods and whenever the reservoir water surface is in the flood-control storage zone, releases shall be made in accordance with instructions issued to the Project Manager by the District Engineer, Corps of Engineers, Department of the Army, in charge of locality, hereinafter referred to as the District Engineer. Such instructions shall be for achievement of the necessary local flood control below the dam and coordination of flood-control regulation of the reservoir with flood conditions and flood-control regulation of other reservoirs and flood-control projects in the Republican, Kansas, and Missouri River basins. Oral instructions from the District Engineer to the Project Manager shall be confirmed in writing under date of the day issued.

(c) The discharge characteristics of the outlet works (capable of discharging 1,150 c.f.s. with reservoir level at elevation 2604.9) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC-5302 as modified by the as-built Drawing 328-D-2063, dated February 9, 1960, revised July 14, 1960, and July 25, 1963).

(d) Flood-control operations shall not restrict releases necessary for irrigation.

(e) Whenever the reservoir level reaches or exceeds elevation 2581.8 or flood discharges appear imminent, the Project Manager shall report at once to the District Engineer by telephone, telegraph, or radio, and as requested thereafter until the reservoir level falls to elevation 2581.8 or below and flood discharges cease.

(f) Proposed schedule of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Project Manager. These data shall be tabulated daily and furnished periodically as required and shall include such items as reservoir elevation, reservoir storage, inflow, discharges, and pertinent available hydrologic data.

(g) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with the requirements for protecting the dam and reservoir from major damage or inconsistent with safe routing of the inflow design flood.

(h) All elevations stated in this section are at the Dam and Reservoir and are referred to the datum in use at that location.

[Regs., Feb. 12, 1969, ENGCW-EY] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69-3005; Filed, Mar. 12, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

REVISION OF CHAPTER

Chapter 3 of Title 41 of the Code of Federal Regulations is revised to read as follows:

Part
3-1 General.
3-2 Procurement by formal advertising.
3-3 Procurement by negotiation.
3-4 Special types and methods of procurement.
3-5 Special and directed sources of supply.
3-6 Foreign purchases.
3-7 Contract clauses.
3-55 Services contracts.

PART 3-1—GENERAL

Sec.
3-1.000 Scope of part.

Subpart 3-1.1—Introduction

3-1.101 Scope of subpart.
3-1.102 Purpose and authority.
3-1.103 Relationship to the FPR.
3-1.104 Applicability.
3-1.105 Method of issuance.
3-1.106 Exclusions.
3-1.107 Arrangement.
3-1.107-1 General plan.
3-1.107-2 Numbering.
3-1.107-3 Citation.
3-1.108 Deviation.

Subpart 3–1.3—General Policies

Subpart 3–1.4—Procurement Responsibility and Authority

Subpart 3–1.6—Debarred, Suspended, and Ineligible Bidders

Subpart 3–1.51—Novation Agreements and Changes of Name Agreements

AUTHORITY: The provisions of this Part 3–1 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–1.1—Introduction

§ 3–1.000 Scope of part.

This part describes the method by which the Department of Health, Education, and Welfare (referred to herein as HEW) implements and supplements the Federal Procurement Regulations (referred to herein as FPR), and contains policies and procedures which implement and supplement FPR Part 1–1.

§ 3–1.101 Scope of subpart.

This subpart establishes the HEW Procurement Regulations (herein identified as HEWPR), explains their purpose, authority under which they are issued, their relationship to the FPR System, applicability, method of issuance, exclusions, and arrangement. It, also, outlines procedures for implementing, supplementing, and deviating from the FPR and the HEWPR.

§ 3–1.102 Purpose and authority.

HEWPR are issued to establish HEW uniform policies and procedures which complement the FPR. They are prescribed by the Assistant Secretary for Administration under authority of 5 U.S.C. 301 and 40 U.S.C. 486(c), delegated by the Secretary.

§ 3–1.103 Relationship to the FPR.

(a) HEWPR implement, supplement, and may deviate from, in some instances, the FPR. Implementing material is that which expands upon or indicates the manner of compliance with related FPR material. Supplementing material is that for which there is no counterpart in the FPR. Deviating material is defined in § 1–1.009 of the FPR.

(b) Material published in the FPR which has Government-wide applicability, becomes effective throughout HEW upon the effective date cited in the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise stated in HEWPR except to the extent necessary to implement or deviate from the FPR.

(c) Procurement policies and procedures which are necessary to implement, supplement, or deviate from the FPR will be issued in the HEWPR by the Office of General Services, Office of the Assistant Secretary for Administration, when necessary to accomplish HEW-wide procurement objectives.

(d) Policies and procedures which are necessary to implement and supplement the FPR and the HEWPR will be issued by the heads of operating agencies and staff offices or their designees.

§ 3–1.104 Applicability.

The FPR and HEWPR apply to all HEW procurement of personal property, real property by lease, and nonpersonal services (including construction). Unless specified otherwise, these regulations apply to procurements within and outside the United States.

§ 3–1.105 Method of issuance.

All HEWPR material deemed necessary for the general public to understand basic and significant HEW procurement policies and procedures will be published in the FEDERAL REGISTER as Chapter 3 of Title 41, Code of Federal Regulations. The FEDERAL REGISTER and Title 41 of the Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 3–1.106 Exclusions.

Detailed instructions for internal HEW guidance will not be published in the FEDERAL REGISTER.

§ 3–1.107 Arrangement.

§ 3–1.107–1 General plan.

The HEWPR conform with the FPR with respect to divisional arrangement into parts, subparts, sections, subsections, and further subdivisions as necessary.

§ 3–1.107–2 Numbering.

(a) Material in the HEWPR which implements or deviates from related material in the FPR is captioned and numbered to correspond with such material in the FPR, except that while the first digit of the FPR number is 1, the first digit of the HEWPR number is 3. Material in the HEWPR which supplements the FPR will be assigned numbers 50 through 89 at the parts, subparts, sections, or subsections for which there is no counterpart material in the FPR. Where material in the FPR requires no implementation or deviation, there is no corresponding number in the HEWPR. Thus, there are gaps in the HEWPR sequence of numbers where the FPR, as written, are applicable to HEW procurement.

(b) Material issued by operating agencies and staff offices of HEW to implement and supplement the HEWPR will be identified by prefixes to the digit 3 part, subpart, section, and subsection. The following are the assigned prefixes:

Organization	*Prefix*
HEW	(None.)
Office of the Secretary	OS.
Office of Field Coordination	OFC.
Individual Regional Office	(Roman No.)
Consumer Protection and Environmental Health Service	CPE.
Office of Education	OE.
Health Services and Mental Health Administration	HSM.
National Institutes of Health	NIH.
Social and Rehabilitation Service	SRS.
Social Security Administration	SSA.

§ 3–1.107–3 Citation.

The HEWPR will be cited in the same manner as the FPR are cited. Thus, this section, in referring to divisions of the FPR System, should be cited as "Section 3–1.107–3 of Chapter 3." When the Official Code of Federal Regulations citation is used, this section should be cited as "41 CFR 3–1.107–3." Any section of the HEWPR may be identified informally, for purposes of brevity, as "HEWPR" followed by the section number, such as "HEWPR 3–1.107–3."

§ 3–1.108 Deviation.

§ 3–1.108–1 Description.

As used in the HEWPR, the term "deviation" pertains to actions set forth in § 1–1.009–1.

§ 3–1.108–2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from either the FPR or HEWPR shall be kept to a minimum and controlled as follows:

(a) The head of each operating agency and staff office or the official he has designated to act for him in authorizing a deviation from procurement regulations shall authorize a deviation from the FPR or HEWPR only after he obtains the Assistant Secreary for Administration's aproval. Deviation requests are to be submitted to the Assistant Secretary through the Director, Division of Procurement and Supply Management, OASA–OGS.

(b) When an agency or staff office determines that a deviation is needed, it shall normally request the deviation in writing as far as possible in advance of need. In an exigency, an agency or staff office can request a deviation verbally but it will confirm the request in writing as soon as circumstances permit.

(c) A deviation request shall set forth clearly and precisely:

(1) Nature of the needed deviation;

(2) Identification of the FPR or HEWPR from which deviation is needed;

(3) Circumstances under which the deviation would be used;

(4) Intended effect of the deviation;

(5) Time-frame; and

(6) Reasons which will contribute to complete understanding and support of the requested deviation. Copies of pertinent background papers, such as, forms, clauses, or contractor's request should accompany the deviation request.

Subpart 3–1.3—General Policies

§ 3–1.313 Records of contract actions.

§ 3–1.313–1 General.

(a) All procuring activities within HEW shall maintain an official contract file for each contract issued. Files for small purchase transactions shall be established and maintained in accordance with Subparts 1–3.6 and 3–3.6.

(b) Operating agencies shall ensure that each contract file constitutes an independent record, documented to provide a complete chronology of all actions related to the contracting aspects of a procurement. Each contract file shall contain documents or other data sufficient to explain and support the rationale, judgments, and authorities upon which all decisions and actions were predicated.

§ 3–1.318 Contracting Officer's decision under a disputes clause.

(a) The contracting officer may furnish a copy of his decision to the contractor in person, obtaining a receipt therefor.

§ 3–1.318–50 Decision preparation, processing, and modification or withdrawal.

(a) Where a dispute arises under a contract, the contracting officer will prepare a final decision pursuant to the Disputes clause of the contract. This single document in the format set forth in § 3–1.318–50(b) should contain a simple and concise statement of: (1) The claim, (2) the decision, (3) the findings of fact which support the decision, and (4) the reference to the Disputes clause contained in the format.

(b) The following format is suggested for use by contracting officers in preparing decisions under the Disputes clause, if the contractor's claim is disallowed:

(Date of findings and decision)

Subject: Decision disallowing request of

(Name of Contractor)

Under Contract No.-----

Date-----

To: ---

(Name and Address of Contractor)

1. In accordance with the provisions of the above-numbered contract, I have considered your request for (insert factual description of the request to identify clearly its nature and scope).

2. Your request as set forth above is disallowed (in whole or in part, according to the fact) for the following reasons:

(Insert the findings of fact upon which the disallowance or allowance is based.)

3. The "Disputes" clause of the contract provides that within 30 days from the date of receipt hereof the contractor may appeal from this decision by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary of the Department of Health, Education, and Welfare. Two copies should accompany the original notice of appeal. The notice of appeal should identify the contract (by number), the decisions from which the appeal is taken and be signed by appellant or an officer of appellant organization or by a duly authorized representative or attorney.

4. The Armed Services Board of Contract Appeals (ASBCA) is the authorized representative of the Secretary for hearing and determining such disputes.

(c) Contracting officers will refer all final decisions either to the Office of General Counsel, OS(BAL), or to the Regional Attorney in the HEW Regional Office for the region in which the procuring activity is located for advice as to legal sufficiency and format before transmitting them to contractors. Contracting officers will submit the names of personnel with knowledge of the facts in the cases, brief summaries of the facts, and brief statements as to pertinent information and documents, such as, (1) copies of the contracts and all applicable amendments, specifications, and drawings, (2) communications relative to the disputed subject matter, and (3) any additional information.

(d) At any time within the period for appeal, the contracting officer may modify or withdraw his final decision. If an appeal from the final decision has been taken to the ASBCA, the contracting officer's recommended action will be forwarded to the Office of General Counsel, OS(BAL), together with the file required by § 3–1.318–50(c), as supplemented to support the recommended correction or amendment.

§ 3–1.318–51 Disputes appeals.

(a) The Secretary has designated the ASBCA, to hear, consider, and determine fully and finally appeals by contractors from decisions of contracting officers or their authorized representatives pursuant to the provisions of contracts requiring his decisions.

(b) Appeals will be governed by the rules set forth in 32 CFR 30.1, Appendix A (Rules of the Armed Services Board of Contract Appeals), except that the following rules will apply instead of Rules 3 and 4 of the ASBCA:

(1) *Rule 3 (HEW). Forwarding of Appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the ASBCA with copies to the Office of General Counsel and the Division of Procurement and Supply Management, Office of the Secretary, HEW. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, and the Office of General Counsel will be advised promptly of its receipt, and the contractor will be furnished a copy of these rules and the rules of the ASBCA.

(2) *Rule 4 (HEW). Duties of the Contracting Officer.* Following receipt of a notice of appeal, or advice that any appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Division of Procurement and Supply Management, Office of the Secretary, HEW, three copies of all documents pertinent to the appeal and shall send one copy of the documents to the Office of General Counsel, including the following:

(i) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(ii) The contract, and pertinent plans, specifications, amendments, and change orders;

(iii) Correspondence between the parties and other data pertinent to the appeal;

(iv) Such additional information as may be considered material.

(c) The Division of Procurement and Supply Management will compile an appeal file which must contain the items enumerated in § 3–1.318–51(b)(2) and will promptly, and in any event within 60 days after the appeal is docketed by the ASBCA, transmit the file to the ASBCA. The Division of Procurement and Supply Management will also notify the appellant when it has compiled the appeal file, will provide him with a list of its contents, and will afford him an opportunity to examine the complete file at the ASBCA or at the office of the contracting officer for the purpose of satisfying himself as to the contents and furnishing or suggesting any additional documentation deemed pertinent to the appeal. After the ASBCA receives the file as it may be augmented at the time of receipt, the ASBCA will promptly advise the parties.

(d) The Office of General Counsel, HEW, is designated as the Government Trial Attorney to represent the Government in the defense of appeals before the ASBCA. Decisions of the ASBCA will be transmitted by the Government Trial Attorney to appropriate contracting officers for action according to ASBCA's decisions.

(e) At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Office of General Counsel. Whenever an appeal is set for hearing, the contracting officer concerned, acting under the guidance of the Office of General Counsel, will be responsible for arranging for the presence of Government witnesses and specified physical and documentary evidence at both the pretrial conference and the hearing.

(f) Whenever the contractor, subsequent to filing an appeal with the ASBCA, elects nevertheless to accept fully the decision from which appeal was taken or any modification thereof, and gives written notification of such acceptance to the Office of General Counsel or the contracting officer concerned, the Office of General Counsel will notify the ASBCA of the disposition of the dispute in accordance with Rule 27 of the rules of the ASBCA.

Subpart 3–1.4—Procurement Responsibility and Authority

§ 3–1.400 Scope of subpart.

This subpart deals with the procurement responsibility and authority of the head of the procuring activity, the contracting officer, and other Government personnel, and with the appointment of contracting officers.

§ 3–1.401 Responsibility of the head of the procuring activity.

Unless otherwise provided by operating agency procedures, the head of the procuring activity is responsible for procurement to the full extent that responsibility therefor has been assigned to his activity.

§ 3–1.402 Authority of contracting officers.

Contracting officers are authorized to enter into and administer contracts on behalf of the Government. This authority is subject to the requirements prescribed in § 3–1.403 and any further limitations, consistent with these regulations, imposed by the contracting agency.

§ 3–1.403 Requirements to be met before entering into contracts.

(a) No contract shall be entered into, modified, or terminated unless all required reviews, clearances, or approvals have been obtained and all applicable requirements of law, the FPR, the HEWFR, and other applicable regulations have been met.

(b) Contracting officers shall not ratify contractual commitments made by other personnel of HEW without the prior approval of the head of the procuring activity or the Assistant Secretary for Administration in cases involving the Office of the Secretary. This approval authority shall not be redelegated.

(c) In addition to the requirements specified in § 3–1.403 (a) and (b), no negotiated contract shall be entered into until the determination and findings required by FPR Part 1–3, with respect to the circumstances justifying negotiation and use of any special method of contracting, have been made. Negotiations, in any form, will not begin with prospective contractors until the determinations and findings are made.

§ 3–1.451 Unauthorized procurement actions.

§ 3–1.451–1 General.

The Government is not bound by agreement or contractual commitments made to prospective contractors by persons to whom procurement authority has not been delegated. Such unauthorized acts may be in violation of the Federal Property and Administrative Services Act, other Federal laws, the FPR, the HEWPR, and good procurement practice, e.g., certain requirements of law and regulations necessary for the proper establishment of a contractual obligation may not be met, i.e., certification of availability of funds, determination and findings, competition of sources, determination of contractor responsibility, certification of current pricing data, price/cost analysis, administrative approvals, negotiation of appropriate contract clause, etc.

§ 3–1.451–2 Policy.

(a) Contractual commitments shall be made only by personnel authorized to enter into contracts. HEW personnel not delegated contracting authority shall not commit the Government to any type of contractual obligations.

(b) Contracting officers shall not ratify or confirm unauthorized contractual commitments. Only the head of the procuring activity or the Assistant Secretary for Administration for cases involving the Office of the Secretary may authorize a ratification of an unauthorized contractual commitment.

§ 3–1.452 Responsibility of other Government personnel.

§ 3–1.452–1 General.

(a) Responsibility for the decision of what to buy and when to buy rests with program and certain staff offices in operating agencies and the Office of the Secretary. Responsibility for determining how to buy, the conduct of the buying process, and execution of the contract rests with the procuring activity, the contracting officer in particular.

(b) Personnel responsible for making decisions to buy should maintain a close and continuous relationship with their procuring activity to ensure that procurement personnel are made aware of contemplated procurement actions. This will be mutually beneficial in terms of better planning for procurement action and more timely, efficient, and economical procurement.

(c) Personnel not delegated contracting authority may not commit the Government, formally or informally, to any type of contractual obligation (see § 3–1.451). However, program personnel who must use the contracting process to accomplish their programs, must support the contracting officer in ensuring that: (1) Requirements are clearly defined and specified; (2) competitive sources are solicited, evaluated, and selected; (3) quality standards are prescribed and met; (4) performance or delivery is timely; (5) prices, estimated costs, and fees are reasonable; (6) contract provisions, procurement regulations, and applicable laws are complied with; and (7) files are documented to substantiate the judgments, decisions, and actions taken (see § 1–3.801(c)).

§ 3–1.452–4 Postaward contract administration.

(a) Upon execution of the contract by the contracting officer and the contractor, the mutual obligations of the Government and the contractor are established by and limited to the written stipulations in the contract. Unless authorized by the contracting officer, HEW personnel shall not direct or request the contractor to assume any obligation or take any action not specifically stated in the contract. Only the contracting officer may impose on the contractor any requirement or action which will result in a change to the contract. All contract changes must be directed in writing or confirmed in writing by the contracting officer.

(b) The role of program, technical, and other personnel in postaward administration of the contract is to assist or advise the contracting officer (or act as his representative when designated as such by the contracting officer) in activities such as:

(1) Conduct of conferences to ensure mutual understanding between the Government and the contractor as to scope of the contract, technical and business requirements, and the rights and obligations of the parties.

(2) Technical direction during contract performance and matters relating to product delivery, acceptance, or rejection.

(3) Evaluation of contractor performance, including inspection and testing of products, evaluation of reports and data, subcontract management, utilization of facilities and equipment, cost control, etc.

(4) Contractor systems and procedures evaluation, including accounting policies and procedures, purchasing policy and practices, property accounting and control, wage and salary plans and rate structures, personnel policies and practices, etc.

(5) Modification, renewal, or termination of the contract.

(6) Processing of disputes under the disputes article and appeals therefrom.

Subpart 3–1.6—Debarred, Suspended, and Ineligible Bidders

§ 3–1.600 Scope of subpart.

This subpart prescribes the HEW establishment, use, maintenance, and

distribution of a debarred, suspended, and ineligible bidders list, and procedures for debarring or suspending bidders for cause.

§ 3–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

(a) The Division of Procurement and Supply Management, Office of General Services, OASA–OGS, is responsible for establishment and maintenance of a consolidated list or file of firms and individuals debarred from HEW contracting and subcontracting and from whom bids and proposals will not be solicited as provided in § 1–1.603. This list will be known as the HEW Debarred Bidders List.

(b) Collectively, the following documents shall constitute the HEW Debarred Bidders List:

(1) Consolidated list of current executive agency administrative debarments and periodic supplements thereto, compiled and distributed by GSA to Federal agencies.

(2) Consolidated list of debarments for statutory violations and periodic supplements thereto, compiled by the Comptroller General of the United States.

(3) Consolidated list of firms and individuals debarred, suspended, or declared ineligible by the HEW to participate in its procurement program under one or more of the bases set forth in § 1–1.602–1 and in accordance with this Subpart 3–1.6.

(c) The Division of Procurement and Supply Management will effect direct distribution of the HEW Debarred Bidders List to holders of the HEWPR.

§ 3–1.602–1 Bases for entry on the debarred, suspended, and ineligible list.

(a) The Director, Division of Procurement and Supply Management, OASA–OGS, makes the administrative debarment determinations prescribed by § 1–1.602–1(d).

(b) The HEW Contract Compliance Officer directs that debarment action prescribed by § 1–1.602–1(e) be taken.

(c) The Director, Division of Procurement and Supply Management, OASA–OGS, makes the administrative suspension determinations prescribed by § 1.602–1(f).

(d) The Director, Division of Procurement and Supply Management, OASA–OGS, makes the debarment determinations prescribed in § 1–1.602–1(g).

§ 3–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

(a) *Total restrictions.* The Director, Division of Procurement and Supply Management, OASA–OGS, makes the essential public interest determinations required by § 1–1.603(a).

(b) *Ineligibility restrictions of the Walsh–Healey Act.* At their discretion, contracting officers may solicit bids or proposals and award contracts in the circumstances permitted by § 1–1.603(d).

(c) *Restrictions on subcontracting.* The Director, Division of Procurement and Supply Management, OASA–OGS, makes the determinations required by § 1–1.603(f).

§ 3–1.604 Causes and conditions applicable to determination of debarment by an executive agency.

Any HEW contracting officer may recommend initiation of debarment action. The recommendation shall be submitted through administrative channels to the Director, Division of Procurement and Supply Management, OASA–OGS. It shall be accompanied by the documented file in the case.

§ 3–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) *Initiation of debarment action.* The Director, Division of Procurement and Supply Management, OASA–OGS, after consultation with the Office of General Counsel, shall determine whether the facts are sufficient to warrant debarment. If the decision is not to debar, the contracting officer recommending the action will be notified. If the Director, Division of Procurement and Supply Management, OASA–OGS, decides to institute debarment proceedings, he shall send a letter by certified mail (return receipt requested) to the firm or individual proposed for debarment. The letter shall (1) state that debarment is being considered, (2) set forth the reasons for the proposed debarment, and (3) state that such party will be accorded an opportunity for a hearing if a request for a hearing is received within 30 days from the date of receipt of such letter.

(b) *Hearings.* Hearings requested in connection with debarment proceedings shall be conducted before the Director, Division of Procurement and Supply Management, OASA–OGS, or his designee. An opportunity shall be afforded to the firm or individual to appear, with witnesses and counsel, to present facts or circumstances showing cause why the firm or individual should not be debarred. If the firm or individual elects not to appear, the reviewing authority will make the decision based on the facts on record and such additional evidence as may be furnished by the parties involved. After consideration of the facts, the reviewing authority shall notify the firm or individual of the final decision.

§ 3–1.605 Suspension of bidders.

§ 3–1.605–1 Causes and conditions under which executive agencies may suspend contractors.

Any contracting officer may recommend suspension of bidders for the causes and conditions set forth in § 1–1.605.1. These recommendations shall be accompanied by the documented file in the case and be submitted through administrative channels to the Director, Division of Procurement and Supply Management, OASA–OGS.

§ 3–1.605–2 Period and scope of suspension.

(a) *Period of suspension.* The Director, Division of Procurement and Supply Management, OASA–OGS, or his designee, may authorize the suspension of bidders for a period not to exceed 12 months. The Director, Division of Procurement and Supply Management, may extend the suspension for a period not to exceed 6 months upon the request of an Assistant Attorney General.

§ 3–1.605–3 Restrictions during period of suspension.

(a) The Director, Division of Procurement and Supply Management, OASA–OGS, or his designee, shall determine when awards of contracts are to be made to suspended bidders as authorized by § 1–1.605–3(a).

§ 3–1.605–4 Notice of suspension.

(a) The Director, Division of Procurement and Supply Management, OASA–OGS, or his designee is responsible for notifying bidders of suspensions as required by § 1–1.605–4(a).

§ 3–1.606 Agency procedure.

The Director, Division of Procurement and Supply Management, OASA–OGS, is responsible for complying with the provisions of § 1–1.606.

Subpart 3–1.51—Novation Agreements and Change of Name Agreements

§ 3–1.5100 Scope of subpart.

This subpart prescribes policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or the part of his assets involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single activity execution of novation agreements affecting more than one activity.

§ 3–1.5101 Definition.

For purposes of this subpart, a novation agreement is a contractual amendment by which the Government recognizes a successor in interest to a Government contract or a change of name of a contractor. The successor in interest assumes all the obligations under the contract and the transferor, when still in existence, guarantees the performance of the contract by the transferee. Where only a change of name is made, the rights and obligations of the parties remain unaffected.

§ 3–1.5102 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract when the third party's interest is incidental to the transfer of (1) all the assets of the contractor or (2) all of that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(i) Sale of such assets;

(ii) Transfer of such assets pursuant to merger or consolidation of a corporation;

(iii) Incorporation of a proprietorship or partnership;

(iv) The principal party or parties to a contract transfer to another organization and the Government wishes to recognize the new organization as the successor in interest.

(b) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the designated activity shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond from either the transferor or the transferee may be accepted in lieu of such guarantee);

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

(c) The agreement shall have the concurrence of General Counsel, HEW, prior to execution. A format for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth in § 3–1.5105. This format may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

(d) Prior to execution of such agreement, one copy of each of the following, as applicable, shall be deposited by the contractor with the designated procuring activity:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as, for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts which have not been finally settled between HEW and the transferor, showing for each contract the contract number, the name and address of the procuring activity involved, the total dollar value of the contract as amended, the type of contract, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of Government contracts;

(6) An opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets;

(9) Consent of sureties on all contracts listed under (2) above on which bonds were required.

§ 3–1.5103 Agreement to recognize change of name of contractor.

(a) When only a change of name is involved, or the rights and obligations of the parties remain unaffected, an agreement shall be executed between the designated procuring activity and the contractor to reflect amendment of the contractor's change of name for all existing contracts between the parties. A format for such an agreement, which shall be adapted for specific cases, is set forth in § 3–1.5105.

(b) Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the designated procuring activity:

(1) Instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor that the change of name was properly effected in accordance with applicable law;

(3) List of all contracts which have not been finally settled between HEW and the contractor, showing for each contract the contract number and the name and address of the procuring activity involved.

(c) Each agreement shall have the concurrence of General Counsel, HEW, prior to execution.

§ 3–1.5105 Novation Agreement formats.

§ 3–1.5105–1 Successor in interest agreement format.

(a) The following format may be used as appropriate to recognize a corporate successor in interest:

AGREEMENT (_____ 196__)

THIS AGREEMENT, entered into as of _____, 19__, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of _____ with its principal office in the City of _____ (hereinafter referred to as the "Transferor"); the XYZ Corporation [formerly known as the LMN Corporation], a corporation duly organized and existing under the laws of the State of _____ with its principal office in the City of _____ (hereinafter referred to as the "Transferee"); and the UNITED STATES OF AMERICA (hereinafter referred to as the "Government").

WITNESSETH:

WHEREAS, the Government, represented by Contracting Officers of the Department of Health, Education, and Welfare, has entered into certain contracts, letter contracts, and purchase orders with the Transferor (namely: _____) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;) and the term "the Contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, heretofore made between the Government, represented by Contracting Officers of the Department of Health, Education, and Welfare, and the Transferor (whether or not performance and payments have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties, or obligations thereunder), and including amendments and change orders thereto, hereafter made between the Government and the Transferee;

WHEREAS, as of _____, 19__, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a (term descriptive of the legal transaction involved) between the Transferor and the Transferee;

WHEREAS, the Transferee, by virtue of said assignment, conveyance, and transfer, has acquired all the assets of the Transferor;

WHEREAS, by virtue of said agreement, conveyance, and transfer, the Transferee has assumed all the duties, obligations, and liabilities of the Transferor under the Contracts;

WHEREAS, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

WHEREAS, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

WHEREAS, there has been filed with the Government evidence of said assignment, conveyance, or transfer (add if desired, "in the form of a certified copy of the list of the documents required by HEW Procurement Regulation 3–1.5102");

(Where a change of name is also involved, such as a prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

WHEREAS, there has been filed with the Government a certificate dated _____, 19__, signed by the Secretary of State of the State of _____, to the effect that the corporate name of LMN Corporation was changed to XYZ Corporation on _____, 19__);

NOW THEREFORE, in consideration of the premises, the parties hereto agree as follows:

1. The Transferor hereby confirms said assignment, conveyance, and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the Contracts.

2. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, convenants, and conditions contained in the Contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

3. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

4. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed to refer to the Transferee rather than to the Transferor.

5. Except as expresely provided herein, nothing in this agreement shall be construed as a waiver of any rights of the Government against the Transferor.

6. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts to the extent of the amounts so paid or reimbursed.

7. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance, and transfer, or (ii) this Agreement other than those which the Government, in the absence of said assignment, conveyance, and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

8. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified; and the Transferor hereby waives notice of and consents to any such amendment or modification.

9. Except as herein modified, the Contracts shall remain in full force and effect.

IN WITNESS WHEREOF, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By _____
Title _____

ABC CORPORATION
By _____
[CORPORATE SEAL]
Title _____

XYZ CORPORATION
By _____
[CORPORATE SEAL]
Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above, that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19__.

By _____
[CORPORATE SEAL]

CERTIFICATE

I, _____, certify that I am the Secretary of XYZ Corporation, named above, that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and the seal of said corporation this _____, day of _____, 19__.

By _____
[CORPORATE SEAL]

§ 3–1.5105–2 Change of name agreement format.

The following format may be used as appropriate to recognize a change in name:

AGREEMENT (_____ 19__)

THIS AGREEMENT, entered into as of _____, 19__, by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"), a corporation duly organized and existing under the laws of the State of _____, and the UNITED STATES OF AMERICA, represented by the Department of Health, Education, and Welfare (hereinafter referred to as the "Government").

WITNESSETH:

WHEREAS, the Government represented by Contracting Officers of the Department of Health, Education, and Welfare, has entered into certain contracts, letter contracts, and purchase orders with the XYZ Corporation (namely: _____) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;) and the term "the Contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, entered into between the Government, represented by Contracting Officers of the Department of Health, Education, and Welfare, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties, or obligations thereunder);

WHEREAS, the XYZ Corporation, by an amendment to its certificate of incorporation, dated _____, 19__, has changed its corporate name to the ABC Corporation;

WHEREAS, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

WHEREAS, there has been filed with the Government documentary evidence of said change in corporate name;

NOW THEREFORE, in consideration of the premises, the parties hereto agree that the Contracts covered by this Agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation."

IN WITNESS WHEREOF, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By _____
Title _____

ABC CORPORATION
By _____
[CORPORATE SEAL]
Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and the seal of said corporation this _____ day of _____, 19__.

By _____
[CORPORATE SEAL]

§ 3–1.5105–3 Administrative change issuance format.

The following memorandum format is appropriate for giving notice of execution of a novation agreement so an administrative change can be issued:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202,
Date: *October 15, 1967.*

To: Procurement Officer, Food and Drug Administration.
From: Contracting Officer, Office of Education.
Subject: Novation Agreement.

Your attention is invited to the attached supplemental agreement wherein a transfer of the business of ABC Corporation to XYZ Corporation is recognized.

In accordance with HEWPR Subpart 3–1.51, contracting officer(s) presently responsible for contracts placed by your procuring activity, which are listed in the supplemental agreement, should immediately issue an administrative change to each such contract to reflect the change.

JOHN J. JONES.

§ 3–1.5105–4 Novation agreement administrative change format.

The following format may be used as appropriate in issuing a novation agreement administrative change:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION

Administrative Change

Contract No._____
Administrative Change No._____

Date: _____
Contractor: _____
Subject: _____
_____
(Insert type of transaction—merger, etc.)

Pursuant to the provisions of the clause of Modification No. _____ of Contract No. _____ (This reference will be to the Modification actually recognizing the transfer.),

it is hereby acknowledged that said Contract Modification (insert, as appropriate, "effecting recognition of XYZ Corporation as a successor in interest applies in accordance with all of its terms and conditions to this contract," or "effecting recognition of a change of the contractor's name from ABC Corporation to XYZ Corporation applies in accordance with all of its terms and conditions to this contract").

THE UNITED STATES OF AMERICA
By _____
(Signature)

_____
(Contracting Officer)

PART 3–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 3–2.4—Opening of Bids and Award of Contract

Sec.
3–2.406 Mistakes in bids.
3–2.406–3 Other mistakes disclosed before award.
3–2.406–4 Disclosure of mistakes after award.
3–2.407 Award.
3–2.407–8 Protests against award.

AUTHORITY: The provisions of this Part 3–2 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–2.4—Opening of Bids and Award of Contract

§ 3–2.406 Mistakes in bids.

§ 3–2.406–3 Other mistakes disclosed before award.

(a) Authority has been delegated to the Director, Division of Procurement and Supply Management, OASA–OGS, to make the administrative determinations in connection with mistakes in bids alleged after opening of bids and before award.

(b) Suspected or alleged mistake data will be marked "Immediate Action—Mistake in Bid" and submitted in the most expeditious manner through procurement channels to the Director, Division of Procurement and Supply Management, OASA–OGS, for evaluation and administrative determination.

(c) Doubtful mistakes in bids shall not be submitted by contracting officers directly to the Comptroller General for advance decisions. They shall be submitted as outlined in paragraph (b) above.

§ 3–2.406–4 Disclosure of mistakes after award.

(a) Authority to make determinations under § 1–2.406–4 has been delegated to the Director, Division of Procurement and Supply Management, OASA–OGS.

(b) Mistakes disclosed after award will be forwarded by contracting officers through procurement channels to the Director, Division of Procurement and Supply Management, OASA–OGS, for determinations.

§ 3–2.407 Award.

§ 3–2.407–8 Protests against award.

(a) *Protests before award.* When a written protest is received by the contracting officer, he will investigate and decide whether the protest has any valid basis. If the contracting officer deems it desirable to obtain the views of higher authority, he will make a written statement of his opinion in the matter supported by copies of all pertinent papers. He will forward them through procurement channels to the Division of Procurement and Supply Management, OASA–OGS, by the most expeditious means and marked "Immediate Action—Protest Before Award."

PART 3–3—PROCUREMENT BY NEGOTIATION

Subpart 3–3.6—Small Purchases

AUTHORITY: The provisions of this Part 3–3 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3–3.602 Policy.

(a) Before purchasing in the open market, the procurement officer shall determine that the supplies or services are not available from mandatory sources.

§ 3–3.603 Competition.

§ 3–3.603–1 Solicitation.

(a) Small purchases not exceeding $250 may be accomplished without securing competitive quotations where the prices are considered reasonable, but such purchases shall be distributed equitably among qualified suppliers. Records of purchases of $250 or less need not include justification for soliciting only a single source or a justification explaining how prices were determined to be reasonable. Operating agencies may reduce this limitation in accordance with their requirements.

(b) For purchases between $250 and $2,500, solicitations generally may be limited to three suppliers.

§ 3–3.605 Purchase order forms.

§ 3–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) *General.* Standard Forms 147 and 148 are mandatory for use in the HEW as standard purchase order forms for small purchases not in excess of $2,500.

(b) *Terms and conditions.* Additional terms and conditions may be added to Standard Form 147 provided they are not in conflict with those printed on the form and are properly designated as operating agency terms and conditions. No additional terms and conditions in conflict or inconsistent with those printed on the Standard Form may be added without approval prescribed by § 3–1.108.

§ 3–3.606 Blanket purchase arrangements.

§ 3–3.606–4 Documentation.

(a) Each blanket purchase arrangement (BPA) shall be documented by issuance of a purchase order appropriately numbered. Each BPA shall contain the following provisions:

(1) Authorization to the supplier to furnish the articles or services described in general terms, when ordered by authorized personnel listed therein.

(2) A statement that individual orders will not exceed $2,500.

(3) A statement that the Government will be obligated only to the extent of the orders placed against the BPA by authorized personnel.

(4) A stipulation that the supplier's established discounts will apply to orders placed against the BPA.

(5) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, date of order, name of individual placing the order, an itemized list of articles or services furnished including unit and total prices on each item, applicable discount, date of delivery, and the signature of the Government employee receiving the article or service.

(6) A requirement that the supplier shall submit an itemized invoice at least once each month or upon expiration of the BPA, whichever occurs first, covering all deliveries made during the billing period for which payment has not been received.

(7) Each BPA shall cite 41 U.S.C. 252 (c)(3) as authority for negotiation.

§ 3–3.605–5 Agency implementation.

(a) The maximum period of time covered by a BPA shall not exceed 1 year.

(b) (1) Competition under BPAs will be obtained in accordance with § 3–3.603–1 (a) and (b). When concurrent agreements are in effect for similar items, orders not in excess of $250 shall be equitably distributed. When there is an insufficient number of BPAs for any given class of articles or services to assure adequate competition on orders in excess of $250, the individual placing the order shall solicit quotations from other sources.

(2) Individual orders shall be recorded in simple form as determined by the operating agency. Orders will be numbered in sequence in a separate series for each BPA and will consist of the BPA number followed by the serial number of the order.

PART 3–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3–4.51—Paid Advertising

AUTHORITY: The provisions of Part 3–4 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3–4.5100 Scope of subpart.

This subpart provides policies and procedures for the procurement of paid advertising as covered by 5 U.S.C. 302; 44 U.S.C. 321, 322, and 324; and Title 7, Chapter 5200, General Acounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

§ 3–4.5101 Policy and procedure.

(a) Authority to purchase paid advertising must be granted in writing by an official delegated such authority. No advertisement, notice, or proposal will be published prior to receipt of written authority for such publication. No voucher for any such advertisement or publication will be paid unless there is presented, with the voucher, a copy of such written authority. Authority shall not be granted retroactively.

(b) Request for procurement shall be accompanied by written authority to advertise or publish which sets forth justification and includes names of newspapers or journals concerned, frequencies and dates of proposed advertisements, estimated cost, and other pertinent information.

(c) Paid advertisements shall be limited to publications of essential details

of invitations for bids, sales of property, and recruitments of employees.

(d) Standard Form 1143, Advertising Order, shall be used for procurement and payment of paid advertising. Procedures for payment of vouchers are contained in Title 7, Chapter 5200, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

PART 3–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 3–5.9—Use of GSA Supply Sources by Contractors Performing Cost-Reimbursement Type Contracts

Sec.
3–5.900 Scope of subpart.
3–5.901 Policy.
3–5.902 Authorization to contractors.
3–5.950 Contract clause.

AUTHORITY: The provisions of this Part 3–5 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–5.9—Use of GSA Supply Sources by Contractors Performing Cost-Reimbursement Type Contracts

§ 3–5.900 Scope of subpart.

This subpart prescribes policy and procedures for cost-reimbursement contracts when it is contemplated that contractors will be authorized to utilize GSA supply sources.

§ 3–5.901 Policy.

Determinations and authorizations made under this subpart shall be made by contracting officers unless prescribed otherwise by operating agency implementation of this subpart.

§ 3–5.902 Authorization to contractors.

(a) Contractors shall not be authorized to utilize GSA supply sources in the performance of fixed-price type contracts, even though such contracts provide for price adjustment, escalation, redetermination, or cost-reduction incentive.

(b) Contractors shall be authorized to utilize GSA supply sources only when:

(1) Title to property purchased under Federal Supply Schedule contracts will pass to and vest in the Government directly from the Federal Supply Schedule contractor (rather than through the prime contractor);

(2) Title to Government-owned property ordered from GSA stores stock will remain in the Government;

(3) Equipment ordered on a lease or rental basis under Federal Supply Schedule contracts will be used solely in the performance of cost-reimbursement type Government contracts.

§ 3–5.950 Contract clause.

The following clause will be inserted in all cost-reimbursement type contracts under which the contractor may be authorized to acquire items for the account of the Government from GSA supply sources. The last sentence of the clause shall be deleted in the case of facilities contracts.

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (JULY, 1968)

The contracting officer may issue and the contractor agrees to accept an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of the clause of this contract entitled "Government Property," except paragraphs (identify) thereof.

PART 3–6—FOREIGN PURCHASES

Subpart 3–6.1—Buy American Act—Supply and Service Contracts

Sec.
3–6.103 Exceptions.
3–6.103–2 Nonavailability in the United States.
3–6.103–3 Unreasonable cost or inconsistency with the public interest.
3–6.104 Procedures.
3–6.104–4 Evaluation of bids and proposals.
3–6.105 Excepted articles, materials, and supplies.

AUTHORITY: The provisions of this Part 3–6 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3–6.103 Exceptions.

Subpart 3–6.1—Buy American Act—Supply and Service Contracts

§ 3–6.103–2 Nonavailability in the United States.

(a) Certain items determined to be exempt under this exception are set forth in § 3–6.105.

(b) Procurement of foreign products on the basis of a nonavailability determination pursuant to § 3–6.103–2(c) shall be made only if approved by the head of the procuring activity or his designee before procurement is initiated.

(c) Requests for approval of a determination of nonavailability under the Act shall contain the following information:

(1) A description of the item or items, including unit and quantity;

(2) The estimated cost, including transportation cost to destination and any applicable duty;

(3) The country of origin;

(4) The name and address of the proposed contractor; and

(5) Other items of domestic origin which are similar or which can be used as an acceptable substitute.

(d) Each determination shall be prepared substantially in the following format. Part 1 of the determination shall be signed by the preparing authority (contracting officer or official with contracting authority), and Part 2 shall be signed by the approving authority.

DETERMINATION

PART 1

Date_____

Pursuant to the authority contained in section 2, title III of the Act of March 3, 1933, popularly called the Buy American Act (41 U.S.C. 10a–d), I hereby find:

(a) (Description of the item or items to be procured, including unit, quantity, and estimated cost inclusive of duty and transportation cost to destination.)

(b) (Brief statement of the necessity for the procurement.)

(c) (Statement of facts establishing the nonavailability of a similar item or items of domestic origin.)

Based upon the above showing of fact, it is determined that the above described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

_____
(Signature)

PART 2

The requirement of the Buy American Act that procurement be made from domestic sources and that it be of domestic origin is not applicable to the above-described procurement, since said procurement is within the nonavailability exception stated in the Act. The feasibility of foregoing the requirement or providing a United States substitute has been considered. Authority is granted to procure the above described item(s) of foreign origin (country of origin) at an estimated total cost of $_____, including duty and transportation costs to destination.

_____
(Signature)

§ 3–6.103–3 Unreasonable cost or inconsistency with the public interest.

Maximum effort shall be exerted to obtain a domestic source end product which will meet the minimum need of the Government prior to requesting a determination under the Buy American Act.

§ 3–6.104 Procedures.

§ 3–6.104–4 Evaluation of bids and proposals.

(a) The following examples illustrate how the procedure in § 1–6.104–4(b) should be applied.

Example 1. Price differential of 6 percent or less between low foreign and low domestic bid or proposal:

	Low domestic bid	Low foreign bid
Cost to destination	$20,000	$19,000
Import duty		600
Total	20,000	19,600
6 percent differential		1,176
Total	20,000	20,776

The low domestic bid is not unreasonable; award would be made to the low domestic bidder.

Example 2. Price differential in excess of 6 percent between low foreign and low domestic bid or proposal, and small business and/or labor surplus area concerns are not involved.

	Low domestic bid	Low foreign bid
Cost to destination	$20,000	$17,000
Import duty		500
Total	20,000	17,500
6 Percent differential		1,050
Total	20,000	18,550

The low domestic bid is unreasonable; award would be made to the low foreign bidder.

Example 3. Low domestic bidder or offeror is a small business and/or labor surplus area concern; the low domestic bid or proposal exceeds the low foreign bid or proposal by more than 6 percent; but is less than 12 percent and award would be over $100,000 to the low domestic bidder.

	Low domestic bid	Low foreign bid
Cost to destination	$200,000	$170,000
Import duty		10,000
Total	200,000	180,000

The low domestic bid is 11 percent higher than the low foreign bid and award would be over $100,000. Submit the case in accordance with § 3-6.104-4(c)(1).

(b) Proposed awards shall be submitted to the head of the procuring activity or his designee if:

(1) An award for more than $100,000 would be made to a domestic firm if the 12 percent factor is applied, but would not be made if the 6 percent factor is applied.

(2) Rejection of an acceptable low foreign bid or proposal is considered necessary to protect essential national security interests.

(3) Rejection of any bid or proposal is considered necessary for other reasons of the national interest.

(c) In those cases where a solicitation of both foreign and domestic suppliers results in the receipt of a single responsive offer and that offer is on an item of foreign manufacture, a memorandum documenting reasons for making award shall be made a part of the contract file.

§ 3-6.105 Excepted articles, materials, and supplies.

The following articles, materials, and supplies may be acquired for public use without regard to country of origin:

Acetylene, black.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Books, pamphlets, newspapers, magazines, periodicals, printed briefs, and films not printed in the United States and for which domestic editions are not available.
Brazil nuts, unroasted.
Cadmium, ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Coca beans.
Coconut and coconut meat, unsweetened, in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean.
Cork, wood or bark and waste.
Diamonds, industrial, stones.
Emetine, bulk.
Ergot, crude.
Fair linen, altar.
Fibers of the following types: Abace, agave, coir, jute, and palymyra.
Goat and kid skins.
Graphite, natural.
Hog bristles for brushes.
Hyoscine, bulk.
Ipecac, root.
Menthol, natural bulk.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as pierite).
Olive oil.
Olives (green), pitted or stuffed or bulk.
Opium, crude.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Radium salts.
Rubber, crude and latex.
Rutile.
Sperm oil.
Spices and herbs in bulk.
Sugars, raw.
Swords.
Talc, block, steatite.
Tapioca flour and cassava.
Tartar, crude; tartaric acid and cream of tartar in bulk.
Tea in bulk.
Vanilla beans.
Venom, cobra.
Wax, carnauba.
Woods of the following species: Angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.

PART 3-7—CONTRACT CLAUSES

Subpart 3-7.51—Contractor Furnished Reusable Gas Cylinders or Other Containers

Sec.
3-7.5100 Scope of subpart.
3-7.5101 Demurrage charge provision.
3-7.5102 Government option to purchase containers.

AUTHORITY: The provisions of this Part 3-7 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3-7.5100 Scope of subpart.

This subpart prescribes a demurrage charge provision to be inserted in requests for proposals, invitations for bids, and resulting contracts when delivery of items may be in contractor furnished reusable gas cylinders or other containers.

§ 3-7.5101 Demurrage charge provision.

Solicitations and resulting contracts which may result in delivery of items in contractor furnished reusable gas cylinders or other containers will include the following provision.

(a) Reusable gas cylinders or other containers identified below by offerors shall remain the property of the contractor but will be loaned without charge to the Government for the period stipulated below by offerors. Such free loan period shall commence on the first day after date of delivery of each container to the herein specified F.O.B. point(s). Offerors who specify less than _____ days (to be determined by the contracting officer in accordance with trade custom), shall have their offers increased for evaluation purposes only by an amount arrived at by multiplying the number of days less than the established free loan period by the daily rental charge. In the event the offeror does not specify a free loan period, such period shall be _____ days (insert the same number of days as the established free loan period). Beginning with the first day after expiration of the free loan period to and including the date the containers are delivered to the contractor's designated carrier, the Government shall pay the contractor demurrage (rental) in the amount specified below. No demurrage shall accrue to the contractor in excess of the herein specified cylinder replacement value. For each container lost or damaged beyond repair while in the Government's possession, the Government shall pay to the contractor the herein specified replacement value less allocable demurrage paid therefor. Such lost or damaged containers paid for by the Government shall become the property of the Government.

(b) Empty containers will be delivered to the offeror's designated carrier (offeror to identify applicable carrier below) f.o.b. points of original delivery specified in this solicitation/contract.

Offeror shall furnish the following information, as applicable, for containers:

Applicable item No.	*Type and size of container*	*Quantity*

Free loan period	*Demurrage charges per day per cylinder*

Replacement value for each container	*Identification and location of offeror's carrier for return of empty container*

§ 3-7.5102 Government option to purchase containers.

When the offeror indicates that containers have a replacement value of less than $10, the Government shall add the cost of the containers to the offered price and evaluate offers accordingly. In this event, the containers shall become the property of the Government.

PART 3-55—SERVICES CONTRACTS

Sec.
3-55.000 Scope of part.

Subpart 3–55.3—Management Consultant Services

AUTHORITY: The provisions of this Part 3–55 issued under 5 U.S.C. 301; 40 U.S.C. 486 (c).

§ 3–55.000 Scope of part.

This subpart deals generally with the obtaining of services by contract and specifically with certain types of contracts which can be properly classified as service contracts. It does not cover the services of individuals obtained by direct appointment or through normal Civil Service employment procedures, nor does it cover the obtaining of services by grant. The term "service" as used in this part is not necessarily synonymous with the term "Service" as used in the Service Contract Act of 1965 (Public Law 89–286, 41 U.S.C. 351–357). Whether or not that Act applies to a contract in this part will be determined by the definitions given in the Act or implementing regulations.

Subpart 3–55.3—Management Consultant Services

§ 3–55.300 Scope of subpart.

This subpart sets forth procedures for negotiating and administering management consultant services contracts with firms and organizations.

§ 3–55.301 Procedure.

§ 3–55.301–1 Purchase request.

After receipt of the Assistant Secretary for Administration's approval to procure management consultant services, the requiring activity shall forward the approval together with a purchase request to the appropriate procuring activity for necessary procurement action.

§ 3–55.301–2 Authority.

(a) Management consultant services contracts shall be entered into under authority contained in 5 U.S.C. 3109, provided authority to use this statute is contained in an HEW appropriation or other act. Authority to negotiate such contracts should be cited as 5 U.S.C. 3109 and 41 U.S.C. 252(c)(15).

§ 3–55.301–3 Type of contract.

Fixed-price contracts with provision for downward adjustment shall be used for procurement of management consultant services, except in rare instances when other than a fixed-price contract is considered appropriate. If other than a fixed-price proposal is to be solicited, the contracting officer shall forward a complete justification through administrative channels for approval by the Assistant Secretary for Administration. Other than fixed-price proposals or negotiations shall not be solicited or commenced until the contracting officer has received the Assistant Secretary's approval.

§ 3–55.301–4 Negotiation of contracts.

(a) Proposals shall be solicited from at least three firms or organizations to assure adequate competition.

(b) Contracting officers shall include in the request for proposals a requirement that each offeror furnish the following information with his proposal, notwithstanding the type of contract anticipated:

(1) The name(s), title(s), and qualifications of principal members of the offeror's organization who will be responsible for the project;

(2) The number and classification of employees who will participate;

(3) The estimated number of manhours that each official and employee will contribute to the proposed project;

(4) The standard hourly billing rate for each official and employee or class of officials and employees. This rate shall incorporate any overhead costs and profit.

(c) The contract shall contain provisions to ensure that the proposal of the successful offeror will be adhered to (as negotiated and agreed) with respect to the information in § 3–55.301–4(b).

(d) In addition, the request for proposals and the resulting contract shall contain the following provisions:

(1) That the contractor warrants the rates quoted are not in excess of those charged nongovernmental clients for the same services performed by the same individuals;

(2) That the contractor shall provide at the request of the Government all working papers used by the participating officials and employees of the firm or organization in connection with the project;

(3) That publication or distribution of the study, data, or other related material is prohibited without the prior written approval of the contracting officers;

(4) That the contractor agrees, if the estimated number of hours of participation by his employees as set forth in the contract is not used in contract performance or if individuals specified do not perform work under the contract as the parties negotiated and agreed, the total contract price shall be reduced accordingly, provided the total charges to be made by the contractor are less than the total contract price.

§ 3–55.301–5 Contract award.

After receiving required approval to procure management consultant services, procurement may be made without a further Departmental approval. No contract shall be entered into for longer than one year.

§ 3–55.301–6 Modification of contracts.

When supplemental agreements or change orders are required to change substantially the basis upon which the contract was made, such as, to revise the scope of work, change time limitations, or change the contract price, authorization for the change shall be requested in the same way as the original authorization to procure the services.

§ 3–55.301–7 Contract administration.

(a) *Authority of the project officer.* Each requiring activity (operating agency or staff office) shall appoint a project officer for each proposed contract. The project officer should come from the functional area in which the work is to be performed and should be familiar with all aspects of the work scope. He shall assist the contracting officer during contract negotiations and shall be responsible for guiding the technical aspects of the project and general supervision of the work being performed. He shall also be responsible for checking on the progress of the work and for reviewing and recommending approval to the contracting officer of contractor vouchers and final acceptance of the work rendered. The project officer shall not make any commitments while discussing a proposed contract or contract change and shall not authorize any changes which affect price, terms, or conditions of an existing contract. He shall refer all such matters to the contracting officer for action.

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

BERNARD SISCO,
Acting Assistance Secretary, for Administration.

MARCH 5, 1969.

[F.R. Doc. 69–2991; Filed, Mar. 12, 1969; 8:45 a.m.]

Chapter 29—Department of Labor

PART 29–60—CONTRACT APPEALS

Pursuant to 5 U.S.C. 301, I hereby amend Subtitle A of Title 41 of the Code of Federal Regulations by establishing a new Chapter 29 to be entitled "Department of Labor" and a new Part 29–60 to be entitled "Contract Appeals", to read as set forth below. As these regulations relate solely to public contracts and rules of agency procedure, notice of proposed rule making, public participation therein, and delay in effective date are not required by 5 U.S.C. 553. I do not believe that such procedure or delay would serve a useful purpose here. Accordingly, these regulations shall become effective immediately.

Sec.

AUTHORITY: The provisions of this Part 29–60 issued under 5 U.S.C. 301.

§ 29–60.1 Scope of part.

This part establishes policies and procedures regarding appeals taken from decisions of contracting officers of the Department of Labor pursuant to the "disputes" clauses of contracts with the Department of Labor.

Subpart A—Boards of Contract Appeals; Establishment and Functions

§ 29–60.2 Establishment and membership of a Board of Contract Appeals.

Within 20 days of the filing of a written notice of appeal with a contracting officer of the Department of Labor pursuant to the "disputes" clause of a contract with the Department of Labor, the Secretary of Labor will establish a Board of Contract Appeals to hear the appeal. The Board will be composed of three persons, at least one of whom is an attorney, admitted to practice before the highest court of any State, commonwealth or territory of the United States, or the District of Columbia. One attorney member of the Board will be designated chairman of the Board by the Secretary of Labor. No person will be appointed to the Board if the Secretary finds that he has participated in the negotiation, award, or administration of the contract under which the appeal is taken, or has any personal interest in the subject matter of the appeal.

§ 29–60.3 Jurisdiction and authority of Boards of Contract Appeals.

(a) *Jurisdiction.* A Board of Contract Appeals appointed under this part shall have the power and the duty to hear, consider and decide as fully and finally as might the Secretary of Labor (1) questions of fact decided by a contracting officer of the United States Department of Labor pursuant to the "disputes" clause of a contract with the Department of Labor which are presented by timely appeal from such a decision, and (2) questions of procedural law arising during and in connection with, the appeal proceeding: *Provided*, That the jurisdiction of such a Board shall not extend to disputes relating to labor standards, equal employment opportunity, or claims for relief not provided in the written contracts.

(b) *Powers.* A Board of Contract Appeals shall have all the powers of the Secretary of Labor necessary or appropriate to the exercise of the jurisdiction and the performance of the duly provided in paragraph (a) of this section, including:

(1) The power to administer oaths and affirmations;

(2) The power to conduct hearings, examine and cross-examine witnesses, and to call witnesses;

(3) The power to rule upon offers of proof and admissibility of evidence;

(4) The power to regulate the course of hearings and the conduct of the parties and their representatives therein;

(5) The power to rule upon procedural requests;

(6) The power to hold conferences for the settlement, clarification and simplification of issues; and

(7) The power to make decisions in conformity with this part.

(c) *Delegation of authority.* A Board of Contract Appeals may authorize and direct a hearing examiner of the Department of Labor to hold hearings and receive evidence and arguments in its stead, and to certify the record of the proceedings to it. The Board shall delegate to the hearing examiner any of its power which it may deem necessary to properly conduct the hearings.

(d) *Quorum.* Two members of a Board of Contract Appeals shall constitute a quorum for the transaction of the business of the Board provided that one of them is a qualified attorney, and the decision of at least two of the members of the Board shall constitute the decision of the Board.

(e) *Decision.* A Board of Contract Appeals shall decide all cognizable questions in accordance with applicable contract provisions and applicable laws and regulations. A decision of the Board on a matter within its jurisdiction shall be the final decision of the Secretary of Labor.

Subpart B—Prehearing Procedures

§ 29–60.10 Appeals.

(a) *How taken.* An appeal from a decision of a contracting officer of the Department of Labor may be taken by mailing or otherwise furnishing to the contracting officer, within the time allowed by the contract, an original and two copies of a written notice of appeal addressed to the Secretary of Labor.

(b) *Contents of a notice of appeal.* A notice of appeal should indicate that an appeal is thereby intended and should include the following information:

(1) Identification of the contract involved;

(2) Identification of the Administration, Bureau, or Office of the Department of Labor which awarded the contract;

(3) Identification of the written decision from which the appeal is taken, including the date and form of decision;

(4) A concise specification of the errors complained of, and of the reasons therefor; and

(5) A statement of the relief sought by the appellant.

(c) *Signature of a notice of appeal.* A notice of appeal shall be signed by the contractor or the contractor's authorized representative.

(d) *Acknowledgement.* Upon his receipt of a notice of appeal, a contracting officer shall promptly acknowledge it in writing to the appellant, and shall transmit to him a copy of the regulations in this part.

(e) *Forwarding of a notice of appeal.* Within 5 days of his receipt of a notice of appeal, a contracting officer shall forward the original thereof to the Assistant Secretary of Labor for Administration for transmittal to the Secretary of Labor.

§ 29–60.11 Establishment of a Board of Contract Appeals.

Upon his receipt of a notice of appeal, the Secretary of Labor, by an appropriate order, will establish a Board of Contract Appeals in accordance with the provisions of § 29–60.2, and will refer the appeal to it. A copy of the order will be transmitted to the appellant or his representative of record, to the contracting officer from whose decision the appeal is taken, and to the Solicitor of Labor.

§ 29–60.12 Duties of a contracting officer.

(a) Upon his receipt of a copy of an order establishing a Board of Contract Appeals, a contracting officer shall promptly, and in any case within 15 days, transmit to the Board in triplicate an appeal file which shall include:

(1) A copy of the notice of appeal;

(2) A copy of the decision from which the appeal is taken;

(3) A copy of the contract under which the appeal is taken, together with any amendments thereof;

(4) Any pertinent solicitation documents, including invitations for bids, requests for proposals or quotations, plans and specifications, and any response thereto;

(5) Transcripts of any testimony taken, and a copy of any affidavit or statement of any person received, in connection with the dispute prior to the filing of the notice of appeal; and

(6) Any other document and information which the contracting officer may consider pertinent to the appeal.

(b) Upon his preparation of an appeal file, and before its transmittal to a Board, a contracting officer shall provide the appellant with a table of contents of the appeal file, and shall afford him an opportunity to examine the file. The appellant shall have the right to have included in the file any additional document and information which the appellant may deem pertinent to the appeal.

§ 29–60.13 Request for hearing.

Within 15 days of the receipt of a copy of an order establishing a Board of Contract Appeals, the appellant may request in writing a hearing, which the Board shall grant. In the absence of such a request, the Board may itself order a hearing. If no hearing is either requested or ordered, the Board shall decide the appeal on the appeal file and such written submissions, including briefs, as the

parties may submit on their own initiative or at the Board's request.

§ 29–60.14 Notice of hearing.

In cases where a hearing has been requested or has been ordered by a Board of Contract Appeals, the parties shall be given a minimum of 15 days notice, in writing, of the time and place of the hearing. Hearings shall be held in Washington, D.C., unless the Board determines that fairness to one of the parties requires a different hearing site.

§ 29–60.16 Prehearing conference.

A Board of Contract Appeals shall have the power at any time, on its own motion or on the motion of a party, to raise the issue of its jurisdiction over the appeal, and to dismiss the appeal for lack of jurisdiction after affording the parties an opportunity to be heard on the issue.

§ 29–60.15 Dismissal for lack of jurisdiction.

(a) *Objectives.* Within 60 days after receipt of the appeal file, the Chairman of a Board of Contract Appeals shall direct the parties to appear before the Board for the purpose of exploring the possibility of informally disposing of the appeal by agreement. If it becomes evident that such informal disposition cannot be achieved, the following matters shall be considered:

(1) Jurisdiction of the Board, if this issue has not already been raised and disposed of;

(2) Elimination, simplification and clarification of issues;

(3) Possibility of obtaining stipulations, admissions of fact and other agreements which would avoid unnecessary proof;

(4) Limitations on the number of witnesses; and

(5) Such other matters as may aid in the fair and expeditious disposition of the appeal.

(b) *Order.* At the conclusion of the conference the Board shall enter an order reciting the action taken at the conference. The order shall control the subsequent course of the proceeding unless modified by the Board for good cause.

(c) *Time and place.* Prior to the conference, the parties shall be given a minimum of 20 days notice, in writing, of the time and place of the conference, which shall be held in Washington, D.C., unless the Board orders otherwise.

§ 29–60.17 Settlement; withdrawal of appeal.

(a) A dispute may be settled in whole or in part at any time before decision of an appeal, by written stipulation between the appellant and the contracting officer, or their authorized representatives, filed with the Board.

(b) At any time prior to the decision of an appeal, the appellant may withdraw the appeal with prejudice, by written notice to the Board.

§ 29–60.18 Representation of parties.

(a) *Appellant.* An individual appellant may appear before a Board of Contract Appeals or a hearing examiner acting on its behalf, in person; a corporation, by an officer thereof; a partnership or join venture, by a member thereof; or any of these, by an attorney admitted to practice before the highest court of any State, Commonwealth, or Territory of the United States or the District of Columbia.

(b) *Appellee.* The Solicitor or his designee shall represent a contracting officer in every proceeding before the Board, or a hearing examiner acting on its behalf.

§ 29–60.19 Service of papers.

(a) Any written communication submitted by a party to a Board of Contract Appeals or a hearing examiner acting in its behalf, except the appeal file, shall contain or be accompanied by evidence of service of a copy thereof upon the other party or his attorney, by means of personal delivery or by mail.

(b) Such communications shall be addressed to the Assistant Secretary of Labor for Administration for transmittal to the Board or Hearing Examiner, as the case may be.

Subpart C—Hearings

§ 29–60.30 Nature of hearings.

A hearing shall be as informal as may be reasonably appropriate for an adversary proceeding. The purpose of a hearing shall be to provide a Board of Contract Appeals with the pertinent facts and positions of the parties as a basis for the Board's decision of an appeal.

§ 29–60.31 Evidence.

(a) *General.* The parties may offer at a hearing such relevant evidence as they may deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding Board or hearing examiner, as the case may be, in supervising the manner and extent of presentation of such evidence. In general, admissibility shall hinge on relevancy and materiality. Letters or copies thereof, affidavits, and other evidence not admissible under such generally accepted rules of evidence may nevertheless be admitted in the discretion of the Board or the hearing examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties shall be conclusive. The parties may stipulate the testimony that would be given by a witness if that witness were present.

(b) *Examination of witnesses.* Testimony shall ordinarily be adduced through the examination and cross-examination of witnesses. Witnesses shall be examined orally, under oath or affirmation, unless all the facts are stipulated or the presiding Board or hearing examiner, as the case may be, shall otherwise order. However, if the testimony of a witness is not given under oath or if the circumstances otherwise warrant, the witness should be warned that his statements may be subject to the provisions of title 18, United States Code, sections 287, 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(c) *Copies of documents.* Accurate copies of admissible documents may be accepted in evidence if the submission of original documents is not practicable.

(d) *Withdrawals of exhibits.* At any time, upon request and after notice to the other party, a Board of Contract Appeals may, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of certified true copies of exhibits or any part thereof may be required by the Board as a condition of granting permission for such withdrawal.

§ 29–60.32 Transcripts of proceedings.

A verbatim transcript of a hearing shall be made. A copy of the transcript shall be available to a party requesting it at the time of the hearing, on such terms as the presiding Board or hearing examiner may provide.

§ 29–60.33 Absence of parties.

The unexcused absence of a party or his authorized representative at the time and place set for a hearing shall not be the occasion for delay of the hearing. In such event, the hearing shall proceed and the case shall be regarded as submitted on the record by the absent party. The presiding Board or hearing examiner may, with the consent of the party present, cancel the hearing and treat the appeal as submitted on the written record.

Subpart D—Posthearing Procedures

§ 29–60.40 Briefs.

Any party to an appeal may submit a brief or memorandum within a period of time specified by the Board of Contract Appeals.

§ 29–60.41 Decisions.

A copy of a decision of a Board of Contract Appeals shall be furnished to all parties to the appeal. A copy of the decision shall be available for public inspection at the Office of the Assistant Secretary for Administration.

§ 29–60.42 Reconsideration.

A request for reconsideration may be filed by any party to an appeal within 15 days after receipt of a copy of the decision of the appeal. Reconsideration of a decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears. Failure to request reconsideration shall not be deemed a failure to exhaust administrative remedies.

Signed at Washington, D.C., this 7th day of March 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–3031; Filed, Mar. 12, 1969; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.1—General

SALES OF SURPLUS PERSONAL PROPERTY

Part 101–45 is amended by revising § 101–45.101 to include a provision that sales of surplus personal property pursuant to 10 U.S.C. 2576 are applicable only to the Department of Defense.

Section 101–45.101 is revised as follows:

§ 101–45.101 Applicability.

(a) This Part 101–45 applies to all agencies in the executive, legislative, and judicial branches of the Government, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, to the extent provided in the Federal Property and Administrative Services Act of 1949, as amended (hereinafter generally referred to in this Part 101–45 as "the Act").

(b) The provisions of this Part 101–45, relating specifically to sales of surplus personal property, do not apply to sales by the Secretary of Defense made pursuant to 10 U.S.C. 2576.

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

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: March 6, 1969.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 69–3017; Filed, Mar. 12, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17988]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Incorporation of New and Modified Earth Station Coordination Distance Contours; Correction

In the report and order in the above-entitled matter, FCC 68–780, adopted July 31, 1968, and published in the FEDERAL REGISTER on August 8, 1968, 33 F.R. 11291, the following lines and footnote are corrected as follows:

1. In the table for transmitting earth stations under the heading of Government (§ 21.706(d)(1)) line 7, the listing of "Mojave, California" is amended to read "Mojave, California [1]".

2. In the table for transmitting earth stations under the heading of Government (§ 21.706(d)(1)) line 8 the listing of "Rosman, North Carolina" is amended to read "Rosman, North Carolina [1]".

3. In footnote 2 to § 21.706(d) the content is amended to read "This station is authorized to transmit on frequencies 6301.02, 6301.05, 6212.09, and 6389.97 MHz and receive on frequencies in the 3700–4200 MHz band on the condition that harmful interference will not be caused to stations operating in these bands."

Released: March 10, 1969.

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

[F.R. Doc. 69–3054; Filed, Mar. 12, 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 33—SPORT FISHING

Bosque Del Apache National Wildlife Refuge, N. Mex.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 1,800 acres, are delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 30 to October 15, 1969, inclusive.

(2) The use of boats or floating devices is not 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 October 15, 1969.

RICHARD W. RIGBY,
Refuge Manager, Bosque del Apache National Wildlife Refuge, San Antonio, N. Mex.

MARCH 6, 1969.

[F.R. Doc. 69–3024; Filed, Mar. 12, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Hagerman National Wildlife Refuge, Tex.

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.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing including frog gigging on the Hagerman National Wildlife Refuge, Tex., is permitted from April 1 through September 30, 1969, inclusive, only on areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations.

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 September 30, 1969.

RONALD S. SULLIVAN,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

MARCH 3, 1969.

[F.R. Doc. 69–3025; Filed, Mar. 12, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 4]

BOARD OF CONTRACT APPEALS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that it is proposed to revoke Part 4, Subtitle A—Office of the Secretary of the Interior, of Title 43 of the Code of Federal Regulations, and substitute therefor the following regulations relating to the authority of the Interior Board of Contract Appeals, and the membership, decision making and procedural rules of that Board. The new rules conform closely to a set of rules which, in 1968, was adopted as a model by representatives of most of the Federal contract appeals boards. Promulgation of the new rules will bring the procedures of the Interior Board of Contract Appeals into essential uniformity with those of other major boards, including the Armed Services Board of Contract Appeals, the Post Office Board of Contract Appeals and the Veterans Administration Board of Contract Appeals.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the material set forth below to the Chairman, Board of Contract Appeals, Department of the Interior, Washington, D.C. 20240, within 15 days of the date of publication of this notice in the FEDERAL REGISTER.

§ 4.0 Authority; guidelines; membership; decisions.

(a) The Board of Contract Appeals is the authorized representative of the Secretary for the purpose of hearing, considering and determining, as fully and finally as might the Secretary:

(1) Appeals by contractors from decisions of contracting officers of any bureau or office of the Department of the Interior, or their authorized representatives or other authorities, on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the head of the agency or his duly authorized representative or board. The Board's authority, however, does not include the Secretary's special power granted by 16 U.S.C. section 832a(f) (1964) to modify, adjust, or cancel contracts, or to compromise or finally settle claims arising thereunder, upon such terms and conditions and in such manner as the Secretary (or his delegatee, the Bonneville Power Administrator) may deem necessary.

(2) When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue.

(b) Emphasis is placed upon the sound administration of the rules in this part in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. The rules in this part will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay. Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise. All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. Where it has authority to extend time limitations, the Board may extend them in appropriate circumstances, on good cause shown. Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties, as soon as appropriate notices of appearance have been filed with the Board.

(c) The Board of Contract Appeals (hereinafter referred to as the Board) consists of regular members named by the Secretary of the Interior (one of those members is designated as Chairman by the Secretary), and alternate members who may be named by the Secretary to serve, when necessary, in place of or in addition to regular members.

(d) The Chairman of the Board may direct that an appeal may be decided by a panel of any two members of the Board, but if they are unable to agree upon a decision, the Chairman may assign one or more additional members to consider the appeal. When an appeal is considered by three or more members of the Board, the concurrence of a majority shall be sufficient for a decision.

RULES

PRELIMINARY PROCEDURES

§ 4.1 Appeals, how taken.

Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract.

§ 4.2 Contents of notice of appeal.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the Department's bureau or office cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an authorized officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 4.6 (Rule 6) may be filed with the notice of appeal, or the contractor may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 4.3 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or the date of receipt, if the notice was otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board by certified mail. At the same time, he shall notify the Department's Office of the Solicitor, in accordance with instructions of the Solicitor, that the appeal has been received in order that a Department counsel may be appointed. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor will be promptly advised of its receipt and docketing, and furnished a copy of the rules in this part.

§ 4.4 Duties of the contracting officer—appeal file.

Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Board and to the Department counsel the appeal file (copies of all documents pertinent to the appeal). The appeal file shall include the following:

(a) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(b) The contract, and pertinent plans, specifications, amendments, and change orders;

(c) Correspondence between the parties and other data pertinent to the appeal;

(d) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(e) Such additional information as may be considered material.

Upon completion of the appeal file, the contracting officer shall notify the appellant, provide him with a listing of its contents, and afford him an opportunity to examine the same at the office of the contracting officer, or at the office of the Board for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the

appeal. With his transmittal to the Board, the contracting officer shall certify that the appellant has been provided with the above-described listing in accordance with the provisions of § 4.16 (Rule 16).

§ 4.5 Dismissal for lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 4.6 Pleadings.

(a) Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and one copy of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. In addition, a copy of the complaint will be served by the appellant upon the Solicitor, U.S. Department of the Interior, C between 18th and 19th Streets NW., Washington, D.C. 20240, in accordance with § 4.16 (Rule 16). Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the Department counsel shall be so notified.

(b) Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, the Department counsel shall prepare and file with the Board an original and one copy of an answer thereto, setting forth simple, concise, and direct statements of the Government's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. One copy of the answer will be served by the Government upon the appellant in accordance with § 4.16 (Rule 16). Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 4.7 Amendments of pleadings or record.

(a) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(b) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 4.4 (Rule 4) are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or said documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal; provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 4.8 Hearing—election.

Within 15 days after the Government's answer has been served upon the appellant, or within 20 days of the date upon which the Board enters a general denial on behalf of the Government, notification as to whether one or both of the parties desire an oral hearing on the appeal should be given to the Board. In the event either party requests an oral hearing, the Board will schedule the same as hereinafter provided. In the event both parties waive an oral hearing, the Board, unless it directs an oral hearing, will decide the appeal on the record before it, supplemented as it may permit or direct. A party failing to elect an oral hearing within the time limitations specified in this section may be deemed to have submitted its case on the record.

§ 4.9 Prehearing briefs.

Based on an examination of the appeal file, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 4.8 (Rule 8). In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 4.10 Prehearing or presubmission conference.

Whether the case is to be submitted without a hearing, or heard pursuant to §§ 4.17 through 4.25 (Rules 17 through 25), the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member or examiner of the Board for a conference to consider:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute;

(e) Such other matters as may aid in the disposition of the appeal.

Any conference results that are not reflected in a transcript shall be reduced to writing by the Board member or examiner. This writing shall thereafter constitute part of the record.

§ 4.11 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to § 4.13 (Rule 13). In the event of such election (see the time limitations for election in § 4.8 (Rule 8)), the submission may be supplemented by oral argument (transcribed if requested) and by briefs.

§ 4.12 Accelerated procedure.

When a very strong showing is made that there is a reason (e.g. hardship to the contractor) for utilization of an accelerated procedure, the Board will undertake to issue an appeal decision on an expedited basis, without regard to the normal position of the appeal on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and elect to waive a hearing, thus submitting the matter for decision on the record. In all other respects these rules will apply.

§ 4.13 Settling of the record.

(a) A case submitted on the record pursuant to § 4.11 (Rule 11) shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(b) The Board record shall consist of the appeal file described in § 4.4 (Rule 4) and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and post-hearing briefs, as may thereafter be developed pursuant to the rules in this part.

In deciding appeals the Board in addition to considering the Board record may take official notice of facts within general knowledge.

(c) This record will at all times be available for inspection by the parties at an appropriate time and place. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

§ 4.14 Depositions.

(a) *When permitted.* After an appeal has been docketed, the Board may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(b) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by orders of the Board.

(c) *Use as evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence to supplement the record.

(d) *Expenses.* All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

§ 4.15 Interrogatories to parties; inspection of documents; admission of facts.

For good cause shown, the Board may permit a party to serve written interrogatories upon the opposing party, order a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal, or permit the serving on the opposing party of a request for admission of facts. Such permission will be granted and orders entered as are consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

§ 4.16 Service of papers.

Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

HEARINGS

§ 4.17 Where and when held.

Hearings may be held in Washington, D.C., or upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing on an appeal at a location other than Washington, D.C. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

§ 4.18 Notice of hearings.

The parties shall be given at least 15 days' notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have consented to the indicated time and place of hearing.

§ 4.19 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 4.11 (Rule 11). The Board shall notify the absent party of the proceedings had and shall advise him that he has 5 days from the receipt of such notification within which to show cause why the appeal should not be decided on the record made.

§ 4.20 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate in the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member or examiner in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 4.21 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the presiding Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath the presiding Board member or examiner shall call to the attention of the witness the provisions of title 18, United States Code, sections 287 and 1001, prescribing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 4.22 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 4.23 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding Board member or examiner at the conclusion of the hearing.

§ 4.24 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the reporter and the Department of the Interior agency or office which is involved in the appeal, or equivalent rates if the proceedings are reported by an employee of the Government.

§ 4.25 Withdrawal of exhibits.

After a decision has become final, the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 4.26 Practice before Board.

Representation of a contractor before the Board is governed by Part 1 of this subtitle, which regulates practice before the Department of the Interior.

§ 4.27 Representation of the Government.

Department counsel designated by the Solicitor of the Department represents the agencies, bureaus, and offices cognizant of the disputes brought before the Board. They shall file notices of appearance with the Board, and shall notify the appellant or his attorney that they

represent the Government. The Department counsel shall represent the Government in the same manner as a private advocate represents a client.

§ 4.28 Decisions.

Decisions of the Board will be made in writing. Copies thereof will be forwarded simultaneously to both parties by certified mail. The rules of the Board and all final orders and decisions (except those that under applicable law should be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board. Decisions of the Board will be made upon the record, as described in § 4.13 (Rule 13).

§ 4.29 Motions for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon in support of the motion, and shall be filed within 30 days from the date of the receipt of a copy of the Board's decision by the party filing the motion. Reconsideration of a decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 4.30 Dismissal without prejudice.

In certain cases, appeals docketed before the Board reach a stage where the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the inability to take action upon the appeal has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeal from its docket without prejudice to its restoration when the cause of delay has been removed, and when the parties have complied with conditions specified by the Board in its dismissal order.

§ 4.31 Remands from courts.

Whenever any matter is remanded to the Board from any court for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board, recommending procedures to be followed in order to comply with the court's order. The Board will review the reports and enter special orders governing the handling of matters remanded to it for further proceedings by any court. To the extent the court's directive and time limitations will permit, such orders will conform to the rules in this part.

§ 4.32 Standards of conduct.

No member of the Board shall consider an appeal if he has participated in the awarding or administration of the contract in question. There shall be no communication between any party to an appeal and a Board member or Board employee concerning the merits of the appeal, unless such communication (if written) is also furnished to the other party to the appeal, or (if oral) is made in the presence of the other party. The Board also shall exercise care to avoid receiving, except as part of the formally established appeal record, any information having a substantial bearing upon an appeal from persons who do not represent a party in the appeal, but nonetheless have an interest in the decision to be rendered.

§ 4.33 Effective date and applicability.

The revised rules in this part shall take effect 60 days following publication in the FEDERAL REGISTER. They shall not apply to appeals which have been docketed prior to their effective date, except as otherwise directed by the Board and agreed to by the parties.

GEORGE E. ROBINSON,
Deputy Assistant Secretary for Administration.

MARCH 6, 1969.

[F.R. Doc. 69-3029; Filed, Mar. 12, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 462]

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING CONTINENTAL ASSURANCE CO.

Notice of Proposed Rule Making

Where benefits under an employee benefit plan are provided by an insurance carrier or service or other organization which does not maintain separate experience records covering the specific groups it serves, section 7(d)(2)(A), 29 U.S.C. 306(d)(2)(A), of the Welfare and Pension Plans Disclosure Act (hereinafter the Act) requires a copy of the financial report of the carrier or other organization to be included with the annual report of the plan. Section 5(a) of the Act, 29 U.S.C. 304(a), provides, among other things, that if information required to be published under the Act would be "duplicative", the Secretary of Labor may prescribe another manner for the publication of such information. By petition dated August 28, 1968, and amended January 22, 1969, the Continental Assurance Co., 310 South Michigan Avenue, Chicago, Ill. 60604, asserting that it funds over 1,500 employee benefit plans with respect to which it does not maintain separate experience records, requested a variation from the requirement of section 7(d)(2)(A) that each of the plans attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, 29 U.S.C. 307(b), a copy of the financial report of the Continental Assurance Co. It appears that the requirement of section 7(d)(2)(A) of the Act, as described above, is "duplicative" within the meaning of section 5(a) of the Act when applied to the employee benefit plans which utilize the Continental Assurance Co. Therefore, in accordance with section 5(a) of the Welfare and Pension Plans Disclosure Act, Subpart A of Part 462, Code of Federal Regulations, and Secretary's Order No. 16-68 (33 F.R. 15574), a variation, to appear as §§ 462.29 and 462.30 of that part with an added undesignated centerhead, is proposed as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE CONTINENTAL ASSURANCE CO.

§ 462.29 Rule of variation.

Every employee benefit plan which utilizes the Continental Assurance Co., 310 South Michigan Avenue, Chicago, Ill. 60604, to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the Continental Assurance Co. will no longer be required to do so, subject to the following conditions.

§ 462.30 Conditions of variation.

(a) The Continental Assurance Co. shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the Continental Assurance Co. has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the Continental Assurance Co., each plan administrator of an employee benefit plan to which this variation applies shall report in part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the Continental Assurance Co. and shall indicate that the financial report of said company is on file with the Office of Labor-Management and Welfare-Pension Reports.

(c) The Continental Assurance Co. is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the Continental Assurance Co. maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the Continental Assurance Co. to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

Pursuant to 29 CFR 462.7(c), interested persons may within 15 days from the date of publication of this proposed variation in the FEDERAL REGISTER file objections thereto. Such objections shall be in writing and addressed to the Director,

Office of Labor-Management and Welfare-Pension Reports, Room 801, 8701 Georgia Avenue, Silver Spring, Md. 20910, and shall show wherein the person filing will be adversely affected by the proposed variation and shall specify with particularity the provisions of the proposed variation deemed objectionable and the grounds for the objections. If such interested person desires a hearing, he shall file a request for a hearing with his objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in triplicate.

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C., this 6th day of March 1969.

W. J. USERY,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 69-3032; Filed, Mar. 12, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards; Plasma (Human) and Packed Red Blood Cells (Human)

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for the manufacture of plasma separated from human blood and make certain other conforming changes. Except as may otherwise be provided in Part 73, the proposed amendments would prohibit pooling at any stage of the plasma manufacturing process.

Notice is also hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by amending the Additional Standards applicable to Packed Red Blood Cells (Human).

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also hereby given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

Amend Part 73 of the Public Health Service Regulations as set forth below:

1. Add the following to the table of contents after "73.327 General requirements."

ADDITIONAL STANDARDS: PLASMA (HUMAN)

Sec.
73.330 Proper name and definition.
73.331 Pooling prohibited.
73.332 Suitability of donor.
73.333 Collection of the blood.
73.334 Plasmapheresis.
73.335 Laboratory tests.
73.336 Pilot samples.
73.337 Processing.
73.338 General requirements.
73.339 Modifications for specific products.
73.340 Labeling.

2. Amend § 73.38 by deleting "Antihemophilic Plasma (Human), Packed Red Blood Cells (Human), Single Donor Plasma (Human), Normal Human Plasma", from the first sentence and by inserting in lieu thereof the words "Plasma (Human) obtained from a single donor, Red Blood Cells (Human)". As thus amended the first sentence of § 73.38 will read as follows:

§ 73.38 Retention samples.

Manufacturers shall retain for a period of at least 6 months after the expiration date a quantity of representative material of each lot of each product, sufficient for examination and testing for safety, and potency, except Whole Blood (Human), Plasma (Human) obtained from a single donor, Red Blood Cells (Human) and Allergenic Products prepared to physician's prescription. * * *

3. Amend § 73.40 by deleting the words "Single Donor Plasma (Human)" and "Packed Red Blood Cells (Human)" and inserting in lieu thereof, respectively, "Plasma (Human)" and "Red Blood Cells (Human)" and listing the products in alphabetical order. As thus amended the section will read as follows:

§ 73.40 Temperatures during shipment.

The following products shall be maintained during shipment at the specified temperatures:

Product	*Temperatures*
Plasma (Human), Frozen	−18° C. or colder.
Poliovirus Vaccine, Live, Oral, Type 1.	A temperature which will maintain ice continuously in a solid state.
Poliovirus Vaccine, Live, Oral, Type 2.	
Poliovirus Vaccine, Live, Oral, Type 3.	
Poliovirus Vaccine, Live, Oral, Trivalent.	
Red Blood Cells (Human)	Between 1° and 10° C.
Smallpox Vaccine, Liquid	A temperature which will maintain ice continuously in a solid state.
Whole Blood (Human)	Between 1° and 10° C.
Yellow Fever Vaccine.	A temperature which will maintain ice continuously in a solid state.

4. Amend § 73.73(f)(4) by deleting the words "Packed Red Blood Cells (Human), Single Donor Plasma (Human)" and by inserting in lieu thereof the words "Red Blood Cells (Human), Plasma (Human), except pooled antihemophilic plasma".

5. Amend § 73.73(f)(8) by deleting the words "Normal Human Plasma, Antihemophilic Plasma (Human)" and inserting in lieu thereof "pooled antihemophilic Plasma (Human)".

As thus amended subparagraphs (4) and (8) will read as follows:

§ 73.73 Sterility.

* * * * *

(f) *Exceptions.* * * *

(4) *Test precluded or not required.* The tests prescribed in this section need not be performed for Whole Blood (Human), Red Blood Cells (Human), Plasma (Human), except pooled antihemophilic plasma, Smallpox Vaccine and other similar products concerning which the Director, National Institutes of Health, finds that the mode of administration, the method of preparation or the special nature of the product precludes or does not require a sterility test.

* * * * *

(8) *Samples—large volume of product in final containers.* For Normal Serum Albumin (Human), pooled antihemophilic Plasma (Human), Plasma Protein Solution (Human), and Fibrinogen (Human), when the volume of product in the final container is 50 ml. or more, the final containers selected as the test sample may contain less than the full volume of product in the final containers of the filling from which the sample is taken: *Provided,* That the containers and closures of the sample are identical with those used for the filling to which the test applies and the sample represents all stages of that filling.

* * * * *

6. Amend § 73.74(b) by deleting the words "Single Donor Plasma (Human)" and inserting in lieu thereof the words "Plasma (Human), except pooled antihemophilic plasma".

7. Amend § 73.74(b)(1) by deleting the words "Normal Human Plasma" and inserting in lieu thereof "pooled antihemophilic Plasma (Human)". As thus amended, the introductory text of (b) and subparagraph (1) will read as follows:

§ 73.74 Purity.

* * * * *

(b) *Test for pyrogenic substances.* Each lot of any product intended for use by injection shall be tested for pyrogenic substances by intravenous injection into rabbits as provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That notwithstanding any other provision of this part, the test for pyrogenic substances is not required for the following products: Products containing formed blood elements; Plasma (Human), except pooled antihemophilic plasma; Normal Horse Serum; Normal Rabbit Serum; bacterial, viral and rickettsial vaccines and antigens; toxoids; toxins; allergenic extracts; venoms; diagnostic substances and trivalent organic arsenicals.

(1) *Test dose.* The test dose for each rabbit shall be at least 3 milliliters per

kilogram of body weight of the rabbit and also shall be at least equivalent proportionately, on a body weight basis, to the maximum single human dose recommended, but need not exceed 10 ml. per kilogram of body weight of the rabbit, except that: (i) Regardless of the human dose recommended, the test dose per kilogram of body weight of each rabbit shall be, at least 1 milliliter for immune globulins derived from human blood, at least 3 milliliters for pooled antihemophilic Plasma (Human), and at least 30 milligrams for Fibrinogen (Human); (ii) for Streptokinase, Streptokinase-Streptodornase, Aggregated Radio-Iodinated (I^{131}) Albumin (Human), Radio-Chromated (Cr^{51}) Serum Albumin (Human), Radio-Iodinated (I^{125}) Serum Albumin (Human) and Radio-Iodinated (I^{131}) Serum Albumin (Human), the test dose shall be at least equavent proportionately on a body weight basis to the maximum single human dose recommended.

* * * * *

8. Amend § 73.82 by inserting the following two sentences immediately preceding the last sentence: "Pooled antihemophilic Plasma (Human) shall have a potency of not less than 0.7 unit of antihemophilic factor per milliliter. For this purpose one unit of antihemophilic factor is the equivalent of the activity present in 1.0 ml. of plasma pooled from at least 10 donors and tested within 3 hours of collection of the first unit represented in the pool."

As thus amended § 73.82 will read as follows:

§ 73.82 Limits of potency.

Diphtheria Antitoxin shall have a potency of not less than 500 units per milliliter. Tetanus Antitoxin shall have a potency of not less than 400 units per milliliter. Scarlet Fever Streptococcus Antitoxin shall have a potency of not less than 400 units per milliliter. Pertussis Vaccine shall have a potency of 12 units per total human immunizing dose. Pooled antihemophilic Plasma (Human) shall have a potency of not less than 0.7 unit of antihemophilic factor per milliliter. For this purpose one unit of antihemophilic factor is the equivalent of the activity present in 1.0 ml. of plasma pooled from at least 10 donors and tested within 3 hours of collection of the first unit represented in the pool. Products dispensed in the dried state shall represent liquid products having these potency limitations.

§ 73.86 [Amended]

9. Amend § 73.86 by deleting the product listings, dating periods and storage temperatures for Antihemophilic Plasma (Human), Normal Human Plasma and Single Donor Plasma (Human) and by inserting immediately after "Plague Vaccine ---------- 18 months (5° C., 1 year)." the following:

Plasma (Human) ---	(a) Five years after blood collection provided labeling recommends storage at −18° C. or colder. Section 73.84 does not apply.
	(b) *Fresh frozen:* One year, provided labeling recommends storage at −18° C. or colder. Section 73.84 does not apply.
	(c) *Platelet rich:* 24 hours after blood collection provided labeling recommends storage at 20°–22° C. Section 73.84 does not apply.
	(d) *Pooled antihemophilic:* One year after blood collection, provided labeling recommends storage at no warmer than 37° C. Section 73.84 does not apply.

10. Add the following after § 73.327:

ADDITIONAL STANDARDS: PLASMA (HUMAN)

§ 73.330 Proper name and definition.

The proper name of this product shall be Plasma (Human). The product is defined as, and these additional standards are applicable to, all plasma which has been separated from human blood.

§ 73.331 Pooling prohibited.

Plasma (Human) shall be derived from blood from a single donor and not pooled with that of another donor except when prepared for the treatment of hemophilia A as set forth in § 73.339(c).

§ 73.332 Suitability of donor.

Blood for Plasma (Human) shall be obtained only from a donor who meets the criteria for donor suitability prescribed in § 73.301, except that when the blood is obtained by plasmapheresis, paragraph (f) thereof is not applicable.

§ 73.333 Collection of the blood.

Blood for Plasma (Human) shall be collected as prescribed in § 73.302 except paragraphs (d)(2), (g), and (h). The following anticoagulant also may be used:

ANTICOAGULANT SODIUM CITRATE SOLUTION

Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$) ----------	40 gm.
Water for injection (U.S.P.) to make ----------	1,000 ml.
Volume per 100 ml. of blood----	10 ml.

§ 73.334 Plasmapheresis.

The procedures used for plasmapheresis shall be approved by the Director, Division of Biologics Standards, and shall include as a minimum the following:

(a) Within no more than 1 week prior to the first plasmapheresis, the donor shall be examined and certified to be in good health by a physician on the premises, as indicated by § 73.301(b), or the donor shall present a qualified physician's written certification that the donor is in good health.

(b) A qualified physician shall supervise the performance of plasmapheresis, including the reinfusion of red cells. Records shall be made and maintained of the major pertinent elements of each donor's physical condition.

(c) Before a second plasmapheresis is performed, laboratory tests shall be done on samples of the donor's plasma to determine that the protein level and the ratio of the various protein components, as shown by electrophoresis, fall within normal limits. A donor shall not serve as a source of plasma while there is any significant change in his health, or in the values of these initial determinations. Periodic determinations shall be made as frequently as necessary to monitor these evaluations.

(d) No more than 1,000 ml. of plasma may be removed from a donor in a 7-day period, and no more than 500 ml. of plasma in a 48-hour period.

§ 73.335 Laboratory tests.

At the time of collection a sample of source blood shall be taken from the donor, which shall be used for a serological test for syphilis and for tests to determine blood group and Rh factors, as prescribed in § 73.303 (a), (b), and (c).

§ 73.336 Pilot samples.

Pilot samples collected in integral tubing or separate tubes shall meet the following standards:

(a) Plasma (Human) when issued shall be accompanied by one or more pilot samples of that unit of plasma.

(b) Before they are filled, all tubes for pilot samples shall be marked or identified so as to relate them to the donor of that unit of plasma.

(c) At the time the final product is prepared, pilot sample tubes shall be attached securely to the final container in a tamperproof manner that will conspicuously indicate removal and reattachment.

(d) All pilot sample tubes shall be filled at the time the final product is prepared, by the person who prepares the final product.

§ 73.337 Processing.

(a) *Separation.* Plasma (Human) shall be separated from the red blood cells no later than 21 days after the date of blood collection and shall be stored at −18° C. or colder, beginning no later than 1 hour after transfer to the final container, in a manner that will show evidence of thawing and refreezing.

(b) *Sterile system.* All surfaces that come in contact with the plasma shall be sterile and pyrogen-free. If an open system is used, that is, where the blood container or any integral part of it is entered after blood collection, the plasma shall be separated from the red blood cells directly into the final plasma container. If the method of separation involves a vented system, that is, when an airway must be inserted in the container for withdrawal of the plasma, the airway and vent shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

(c) *Final container.* Final containers used for Plasma (Human), whether integrally attached or separated from the original blood collecting container, shall meet the requirements for blood containers prescribed in § 73.304(c). At the time of filling, the final container shall be marked or identified by number or other symbol so as to relate it to the donor.

§ 73.338 General requirements.

(a) *Manufacturing responsibility.* All steps in the manufacture of Plasma (Human), beginning with the collection of the source blood, shall be performed by the licensee.

(b) *Sterility test—vented systems.* Each unit of plasma prepared in a vented system shall be tested for sterility at the time of preparation for freezing, as prescribed in § 73.73(a)(1) except that the test sample shall be no less than 1 ml. taken from the aspirating set, which shall be tested in a 1–10 proportion of product to medium. If the test shows evidence of bacterial contamination, that unit of frozen plasma may not be used for transfusion purposes.

(c) *Check on sterile technique—open, non-vented system.* A sample of at least 1 ml. of at least one unit of plasma prepared in each month shall be tested at the time of preparation for freezing, as prescribed in paragraph (b) of this section.

(d) *Storage.* Immediately after processing, the plasma shall be placed in storage and maintained at −18° C. or colder.

(e) *Inspection.* The product shall be inspected immediately after separation of the plasma. The product may not be issued if there is any abnormality in color or physical appearance, or if there is any indication of microbial contamination, or if the product contains more than 20 mgm. of hemoglobin per 100 ml., as estimated by gross inspection. The product shall not be issued if at the time of issue there is any evidence of thawing.

(f) *Reissue of plasma.* Plasma (Human) that has been removed from storage controlled by a licensed establishment shall not be reissued by a licensed establishment unless the following conditions have been met:

(1) The container has a tamperproof seal when originally issued and the seal remains unbroken.

(2) It has been maintained continuously at −18° C. or colder.

§ 73.339 Modifications for specific products.

(a) *Fresh frozen plasma.* Plasma (Human) recommended for the treatment of coagulation defects shall be prepared from blood collected with minimal damage to and minimal manipulation of the donor's tissue, with an uninterrupted, free-flowing venipuncture. The product shall be separated from the red blood cells and placed in a freezer at −18° C. or colder within 4 hours after blood collection and shall be frozen within 6 hours after being placed in the freezer in a manner that will show evidence of thawing and refreezing.

(b) *Platelet rich plasma.* Plasma (Human) recommended as a source of platelets shall not be frozen and shall be prepared in a closed system within 4 hours after blood collection by a method proved to yield a concentration of at least 250,000 platelets/mm³ with less than 20,000 RBC/mm³. The plasma shall be stored at 20°–22° C. immediately after filling into the final container. Platelet rich plasma may not be reissued.

(c) *Antihemophilic plasma.* Sections 73.335, 73.336, 73.337, 73.338, except paragraph (a), and 73.340 (a) and (e) are not applicable to Plasma (Human) recommended for the treatment of hemophilia A prepared pursuant to this paragraph. Plasma (Human) for the treatment of hemophilia A may be prepared from plasma obtained from no more than 50 donors, provided the following conditions are met:

(1) The plasma is pooled aseptically,

(2) Final containers are filled and frozen within 8 hours after collection of the first unit of blood represented in the pooled plasma, and

(3) The plasma is dried promptly after freezing by a process of sublimation.

§ 73.340 Labeling.

In addition to the items required by other applicable labeling provisions of this part, labels for Plasma (Human) shall bear the following:

(a) The information required by § 73.305 (a)(2), (b), and (c) for Whole Blood (Human), except the proper name.

(b) Immediately preceding and in no less prominence than the proper name, the words "Single Donor" or "Antihemophilic", as applicable.

(c) Immediately following or immediately below and in no less prominence than the proper name, appropriate words describing each approved variation applicable to the product in the final container; for example, that the product is fresh frozen, platelet rich, etc.

(d) A statement of the method(s) of testing and the results of all tests for irregular antibodies, if performed.

(e) A statement limiting administration to group compatible recipients.

(f) If plasma is frozen, a warning against use if there is evidence of thawing during storage.

(g) If plasma is frozen, instructions to thaw in a water bath maintained at not warmer than 37° C. and to use the product within one hour after thawing.

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

(i) Unless the plasma is prepared as described in § 73.339 (a) or (c), a statement that the product should not be used in the treatment of coagulation defects requiring labile plasma factors.

11. Amend the table of contents by deleting the title "Additional Standards: Packed Red Blood Cells (Human)", the section designations and titles from §§ 73.320 through 73.327 and insert in lieu thereof the following:

ADDITIONAL STANDARDS: RED BLOOD CELLS (HUMAN)

Sec.
73.320 Proper name and definition.
73.321 Suitability of donor.
73.322 Collection of the blood.
73.323 Laboratory tests.
73.324 Pilot samples.
73.325 Processing.
73.326 General requirements.
73.327 Modifications for specific products.
73.328 Labeling.

§ 73.86 [Amended]

12. Amend § 73.86 by deleting the listing, dating periods and storage temperatures for Packed Red Blood Cells (Human) and inserting immediately after "Reagent Blood Group Specific Substances A and B ---------- Two years." the following:

Red Blood Cells (Human)----------	(a) Twenty-one days from date of collection of source blood, provided labeling recommends storage between 1° and 10° C. and the hermetic seal is not broken during processing. Section 73.84 does not apply. Twenty-four hours after plasma removal, provided labeling recommends storage between 1° and 10° C., if the hermetic seal is broken during processing. Section 73.84 does not apply. (b) *Frozen:* Three years, provided labeling recomends storage at −80° C. or colder. Twenty-four hours after removal from −80° C. storage, provided labeling recommends storage between 1° and 10° C. Section 73.84 does not apply.

13. Substitute for the title "Additional Standards: Packed Red Blood Cells (Human)" and §§ 73.320 through 73.327, the following:

ADDITIONAL STANDARDS: RED BLOOD CELLS (HUMAN)

§ 73.320 Proper name and definition.

The proper name of this product shall be Red Blood Cells (Human). The product is defined as red blood cells remaining after separating a major portion of the plasma from human blood.

§ 73.321 Suitability of donor.

The source blood for Red Blood Cells (Human) shall be obtained from a donor who meets the criteria for donor suitability prescribed in § 73.301.

§ 73.322 Collection of the blood.

The source blood shall be collected as prescribed in § 73.302 except paragraphs (d)(2), (g), and (h).

§ 73.323 Laboratory tests.

A sample of source blood shall be taken from the donor at the time of collection and it shall be used for a serological test for syphilis, for tests to determine blood group and Rh factors, as prescribed in § 73.303 (a), (b), and (c).

§ 73.324 Pilot samples.

Pilot samples collected in integral tubing or in separate pilot tubes shall meet the following standards:

(a) One or more pilot samples of either the original blood or of the Red Blood Cells (Human) being processed shall be

provided with each unit of Red Blood Cells (Human) when issued or reissued.

(b) Before they are filled, all pilot sample tubes shall be marked or identified so as to relate them to the donor of that unit of red cells.

(c) Before the final container is filled or at the time the final product is prepared, the pilot sample tubes to accompany a unit of cells shall be attached securely to the final container in a tamperproof manner that will conspicuously indicate removal and reattachment.

(d) All pilot sample tubes accompanying a unit of Red Blood Cells (Human) shall be filled at the time the blood is collected or at the time the final product is prepared, in each instance by the person who performs the collection or preparation.

§ 73.325 Processing.

(a) *Separation.* Red Blood Cells (Human) may be prepared either by centrifugation done in a manner that will not tend to increase the temperature of the blood, and no later than 6 days after the date of blood collection or by normal, undisturbed sedimentation no later than 21 days after the date of blood collection. A portion of the plasma sufficient to assure optimal cell preservation shall be left with the red cells.

(b) *Sterile system.* All surfaces that come in contact with the red cells shall be sterile and pyrogen-free. If an open system is used, that is, where the transfer container is not integrally attached to the blood container, and the blood container is entered after blood collection, the plasma shall be separated from the red blood cells with positive pressure maintained on the original container until completely sealed. If the method of separation involves a vented system, that is, when an airway must be inserted in the container for withdrawal of the plasma, the airway and vent shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

(c) *Final containers.* Final containers used for Red Blood Cells (Human) may be either the original blood containers or different containers and shall meet the requirements for blood containers prescribed in § 73.304(c). At the time of filling, if a different container is used, it shall be marked or identified by number or other symbol so as to relate it to the donor of that unit of red cells.

§ 73.326 General requirements.

(a) *Manufacturing responsibility.* All steps in the manufacture of Red Blood Cells (Human) shall be performed as prescribed in § 73.304(a).

(b) *Check on sterile technique.* A check on sterile technique shall be made each month for Red Blood Cells (Human) prepared in a vented or open system by performing a test 24 hours after its preparation on at least one container of Red Blood Cells (Human), by the method prescribed in § 73.304(b).

(c) *Storage.* Immediately after processing, the Red Blood Cells (Human) shall be placed in storage and maintained within a 2° range between 1° and 6° C.

(d) *Inspection.* The product shall be inspected immediately after separation of the plasma, periodically during storage, and at the time of issue. The product shall not be issued if there is any abnormality in color or physical appearance or if there is any indication of microbial contamination.

§ 73.327 Modifications for specific products.

Frozen Red Blood Cells (Human). A cryophylactic substance may be added to the Red Blood Cells (Human) for extended manufacturer's storage at −80° C. or colder, provided the manufacturer submits data considered by the Director, Division of Biologics Standards, as adequately demonstrating through in vivo cell survival and other appropriate tests that the addition of the substance, the materials used and the processing methods result in a final product that meets the required standards of safety, purity, and potency for Red Blood Cells (Human), and that the frozen product will maintain those properties for the prescribed dating period. Section 73.326 (c) and (d) do not apply when a cryophylactic substance is present. Additional quantitative laboratory tests, appropriate for the substance used, shall be performed on the product at the time of addition and removal of the cryophylactic substance.

§ 73.328 Labeling.

In addition to the items required by other applicable labeling provisions of this part, labels for Red Blood Cells (Human) shall bear the following:

(a) The information required by § 73.305 (a) (2), (b), and (c) for Whole Blood (Human), except the proper name.

(b) Immediately following or immediately below and in no less prominence than the proper name, appropriate words describing each approved variation applicable to the product in the final container; for example, frozen, deglycerolized, etc.

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

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

Dated: February 18, 1969.

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

Approved: March 10, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-3051; Filed, Mar. 12, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-10]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-139 from Wilmington, N.C., 1,200 feet AGL direct to New Bern, N.C. V-139 is designated from Wilmington, 1,200 feet AGL INT Wilmington 036° and New Bern 231° True radials; to New Bern. The action proposed herein would improve air navigation and reduce the airway mileage between Wilmington and New Bern.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. 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 amendment. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 5, 1969.

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

[F.R. Doc. 69-3040; Filed, Mar. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-124]

FEDERAL AIRWAY SEGMENTS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration (FAA) is considering amendments to

Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway between Roberts, Ill., and Knox, Ind.; redesignate and renumber VOR Federal airway No. 332 segment between Moline, Ill., and South Bend, Ind.; and revoke VOR Federal airway No. 177 segment between Chicago Heights, Ill., and Fort Wayne, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, 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. The proposals contained in this notice may be changed in the light of comments received.

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

The FAA is considering the following airspace actions:

1. Designate a new VOR Federal airway segment from Roberts with a 1,200-foot AGL floor direct to Knox.

2. Revoke V–177 segment from Chicago Heights, to Fort Wayne.

3. Renumber and realign V–332 as V–156 from Moline 1,200 feet AGL Bradford, Ill., 1,200 feet AGL Peotone, Ill., 1,200 feet AGL intersection Peotone 098° T (096° M) and Knox 238° T (237° M) radials; 1,200 feet AGL Knox; 1,200 feet AGL to South Bend.

The proposed airway between Roberts and Knox would be utilized as a bypass route for traffic southeast of the Chicago terminal area. The renumbering and realignment of V–332 as V–156 would eliminate a broken airway segment and would provide conformity with the alignment of segments of V–38 and V–144 and the new airway segment proposed between Roberts and Knox. The segment of V–177 proposed for revocation is no longer required for air traffic control purposes.

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

Issued in Washington, D.C., on March 5, 1969.

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

[F.R. Doc. 69–3041; Filed, Mar. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–2]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Plymouth, Ind.

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 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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 conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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.

A new public use instrument approach procedure has been developed for the Plymouth, Ind., Municipal Airport utilizing the Knox, Ind., VOR as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Plymouth, Ind. The new procedure will become effective concurrently with the designation of the transition area. The South Bend, Ind., Flight Service Station will provide communications for IFR air traffic operating into and out of the Plymouth Municipal Airport.

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

In § 71.181 (34 F.R. 4637), the following transition area is added:

PLYMOUTH, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Plymouth Municipal Airport (latitude 41°21'55" N., longitude 86°18'05" W.); and within 2 miles each side of the Knox, Ind., VOR 060° radial, extending from the 5-mile radius area to 10 miles east of the VOR.

This amendment is 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 24, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–3042; Filed, Mar. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fort Scott, Kans.

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 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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 conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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.

A new public use instrument approach procedure has been developed for the Fort Scott, Kans., Municipal Airport using a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Fort Scott, Kans. The new procedure will become effective concurrently with the designation of the transition area.

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

In § 71.181 (34 F.R. 4637), the following transition area is added:

FORT SCOTT, KANS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'50" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 348° bearing from Fort Scott Municipal Airport, extending from the airport to 12 miles north of the airport.

This amendment is 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 24, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-3043; Filed, Mar. 12, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-357]

BUDGET-TYPE ABANDONMENT APPLICATIONS

Notice of Proposed Rule Making

MARCH 5, 1969.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), that the Federal Power Commission is proposing to amend its regulations under the Natural Gas Act to provide for the filing of budget-type abandonment applications. The proposed amendment is intended to eliminate the need for frequent filing of applications seeking specific authority to abandon minor sales and facilities, under section 7(b) of the Natural Gas Act.

2. The proposed amendment is in furtherance of the Commission's continuing endeavors to find ways and means of expediting its proceedings without, at the same time, unduly imposing additional burdens upon applicants or adversely affecting their customers. In Docket No. CP69-123 we entered an ad hoc order on February 4, 1969, allowing Northern Natural Gas Co. to abandon certain facilities during the calendar year of 1969 upon the terms and conditions set forth therein.

3. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before April 21, 1969, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and fourteen (14) conofrmed copies of any such submittals should be filed.

4. The amendment to the Commission's regulations is proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 7, 15, and 16 thereof (52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. sec. 717f, sec. 717n, sec. 717o).

5. Accordingly, we propose to amend § 157.7 of the Commission's regulations under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, by adding a paragraph (e) reading as follows:

§ 157.7 **Abbreviated applications.**

* * * * *

(e) *Sales measuring station and related minor facilities—budget-type abandonment application.* An abbreviated application requesting a budget-type authorization permitting the cessation of service and removal of sales measuring, regulating, and related minor facilities during a given 12-month period may be filed when:

(1) The deliveries to any one direct sale customer through any one of the sales measuring facilities to be abandoned have not exceeded 100,000 Mcf during the last year of service.

(2) The applicant will not abandon any service unless it has received a written request from the direct sale customer to terminate service.

(3) The applicant agrees to file with the Commission, within 60 days after expiration of the authorized abandonment period:

(i) A statement showing for each individual project a description of the facilities abandoned and the docket numbers of the prior proceedings in which the facilities or services abandoned were certificated.

(ii) A statement indicating in each case the reason why the service or facilities were abandoned together with a copy of each of the written requests for termination of service.

(iii) A statement showing the effect of the abandonment upon any rate schedules or tariffs on file with this Commission.

(iv) A concise description of the changes of property, indicating the cost of property abandoned in place, the cost of property removed and salvaged together with the relevant information required by paragraph (f) of § 157.18.

(v) A geographic map or maps of suitable scale and detail showing the location of the facilities abandoned.

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

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3006; Filed, Mar. 12, 1969; 8:45 a.m.]

Notices

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Southwestern Area) Disaster No. 697]

MANAGER, DISASTER BRANCH OFFICE, BAYTOWN, TEX.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated 1-7-67, Amendment 1, 32 F.R. 8113, dated 6-6-67, Amendment 2, 33 F.R. 8793, dated 6-15-68, Amendment 3, 33 F.R. 17217, dated November 20, 1968, and Amendment 4, 33 F.R. 19097, dated December 21, 1968, there is hereby redelegated to the Manager, Disaster Branch Office, Baytown, Tex., the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA shares of $20,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $25,000 for a single disaster on home loans, and $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan. To approve or decline disaster Guaranteed Loans in amounts of total loan not exceeding $350,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: February 18, 1969.

ROBERT E. WEST,
Area Administrator, Dallas, Tex.

[F.R. Doc. 69-3049; Filed, Mar. 12, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF ADMINISTRATION, CALIFORNIA STATE OFFICE, ET AL.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to redelegation of authority contained in BLM Manual 1510.03C, the Chief, Division of Administration, State Office, is authorized to enter into contracts for supplies and services within the limits of procurement authority delegated to the State Director in BLM Manual 1510.03B2d.

B. Pursuant to redelegation of authority contained in BLM Manual 1510.03C, the District Managers and Chief, Division of Administration, District Offices, are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment and major noncapitalized property, regardless of amount.

2. To enter into contracts on the open market, pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies and services, excluding capitalized equipment and major noncapitalized property, not to exceed $2,500; and contracts for construction not to exceed $2,000: *Provided*, That the requirement is not available for established sources of supply.

3. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression.

C. The District Managers may redelegate the authority for use of Standard Form 44 Order-Invoice-Voucher to any qualified employees under their jurisdiction. The redelegation must be in writing by name designation and subject to monetary and other limitations as may be prescribed by the District Managers. The designated employee, State Office, and the Service Centers shall be furnished with a copy of all such redelegations.

D. Contracts or other procurement entered into under delegated authority must conform with applicable regulations and statutory requirements and are subject to availability of appropriations.

E. All redelegated authority shall be exercised in accordance with the applicable limitations in the FPAS Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed in the General Services Administration and as set forth by the Department of the Interior and the Bureau of Land Management.

F. Delegation of authority regarding contracts and leases published in the FEDERAL REGISTER on May 23, 1968 (33 F.R. 7632), is hereby revoked.

J. R. PENNY,
State Director.

[F.R. Doc. 69-3048; Filed, Mar. 12, 1969; 8:49 a.m.]

[Sacramento 2418]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 7, 1969.

The Assistant Secretary, U.S. Department of Agriculture, Washington, D.C., has filed an application, Serial No. Sacramento 2418 for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The applicant agency desires the land for recreational use in developing camping, fishing, hiking, picnicking, and scenic observation areas. The 12 sites included in the development plan are within or adjacent to the National Wild and Scenic River System designated as the Middle Fork Feather River Area which lies approximately 20 miles northeast of Oroville, Calif.

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, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-2(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

PLUMAS NATIONAL FOREST

Feather Falls Scenic Area

T. 20 N., R. 6 E.,
Sec. 2, SW¼SW¼SE¼.
T. 21 N., R. 6 E.,
Sec. 2, E½SW¼NE¼ and W½SE¼NE¼;
Sec. 14, SE¼SE¼SW¼, SW¼NE¼SE¼, SE¼NW¼SE¼, and SW¼SW¼SE¼;
Sec. 22, NE¼NW¼SW¼ and SW¼SE¼SE¼;
Sec. 24, S½SE¼NW¼ and N½NE¼SW¼;
Sec. 26, SW¼NE¼ and SE¼SW¼;
Sec. 28, NW¼NW¼NE¼ and NE¼NE¼NW¼.
T. 21 N., R. 7 E.,
Sec. 6, lots 3, 4, 5, and 6, and SW¼ (lots 3, 4, 5, and 6, and E½SW¼).

The areas described aggregate approximately 454 acres in Butte County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-3021; Filed, Mar. 12, 1969; 8:46 a.m.]

[Serial No. N-1928]

NEVADA

Notice of Public Sale

MARCH 6, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered to the highest bidder at a sale to be held at 1 p.m., local time, on Tuesday, April 22, 1969, at the Ely District Office, Bureau of Land Management, 130 Pioche Highway, Ely, Nev. 89301. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 N., R. 64 E.,
Sec. 6, NE¼SW¼.

The area described contains 40 acres. The appraised value of the tract is $1,300 and publication costs to be assessed are estimated at $12.

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

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

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Ely District Office, Bureau of Land Management, Pioche Star Route, Ely, Nev. 89301, prior to 4 p.m., on Monday, April 21, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-1928, April 22, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4 p.m. of the day of the sale.

If no bids are received for the sale tract on Tuesday, April 22, 1969, the tract will be reoffered on the first Tuesday of subsequent months at 1 p.m., beginning May 6, 1969.

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

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, Pioche Star Route, Ely, Nev. 89301.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-3022; Filed, Mar. 12, 1969; 8:46 a.m.]

[OR 3784]

OREGON AND WASHINGTON

Notice of Classification of Public Lands for Multiple-Use Management

MARCH 6, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-1418) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C., sec. 334) and from sales under 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (33 F.R. 19853-19854), and no changes have been made in the list of lands included in this classification. The record showing the comments received and other information is on file and can be examined in the Baker District Office, Baker, Oreg., and in the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The public lands affected by this classification are located within the following described areas and are shown on maps designated "OR 3784, 2411.2:36-060: November 1968" on file in the Baker District Office, Bureau of Land Management, Baker, Oreg. 97814, and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. 97208. The description of the areas is as follows:

WILLAMETTE MERIDIAN

WALLOWA COUNTY, OREG.

T. 4 N., R. 42 E.,
Secs. 1 to 6, inclusive, and secs. 11 to 14, inclusive.
T. 4 N., R. 43 E.,
Sec. 6.
T. 5 N., R. 42 E.,
Secs. 13, 14, 15, secs. 22 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 5 N., R. 43 E.,
Secs. 1 to 6, inclusive, and secs. 8 to 36, inclusive.
T. 5 N., R. 44 E.,
Secs. 19, 20, and secs. 29 to 33, inclusive.
T. 5 N., R. 45 E.,
Secs. 1, 2, 3, secs. 10 to 17, inclusive, secs. 19, 20, 21, 29, 30, and 31.
T. 5 N., R. 46 E.,
Secs. 1 to 12, inclusive.
T. 6 N., R. 42 E.,
Secs. 13 and 14;
Sec. 15, lot 8;
Sec. 22, NE¼NE¼;
Sec. 23, SE¼;
Sec. 24;
Sec. 25, NW¼NW¼.
T. 6 N., R. 43 E.,
Secs. 13 to 36, inclusive.
T. 6 N., R. 44 E.,
Secs. 13 to 19, inclusive.
T. 6 N., R. 45 E.,
Secs. 34, 35, and 36.
T. 6 N., R. 46 E.,
Secs. 13 to 36, inclusive.
T. 6 N., R. 47 E.,
Secs. 15 to 23, inclusive, and secs. 25 to 36, inclusive.

GARFIELD COUNTY, WASH.

T. 6 N., R. 42 E.,
Secs. 13, 14, and 15.

ASOTIN COUNTY, WASH.

T. 6 N., R. 43 E.,
Secs. 11 to 18, inclusive.
T. 6 N., R. 44 E.,
Secs. 1 to 11, inclusive, and secs. 14 to 18, inclusive.
T. 6 N., R. 45 E.,
Secs. 1 to 6, inclusive, secs. 12 and 13.
T. 6 N., R. 46 E.,
Secs. 1 to 18, inclusive.
T. 6 N., R. 47 E.,
Secs. 4 to 9, inclusive, secs. 16, 17, and 18.
T. 7 N., R. 44 E.,
Secs. 33 to 36, inclusive.
T. 7 N., R. 45 E.,
Secs. 31 to 36, inclusive.
T. 7 N., R. 46 E.,
Secs. 12, 13, secs. 23 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 7 N., R. 47 E.,
Secs. 5, 6, 7, 18, 19, 20, and secs. 29 to 33, inclusive.

The public lands in the areas described aggregate approximately 13,833.50 acres in Wallowa County, Oreg., 29.82 acres in Garfield County, Wash., and 10,144.79 acres in Asotin County, Wash., for a total of approximately 23,997.13 acres.

3. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. Interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240, for a period of 30 days following publication of this notice.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 69-3023; Filed, Mar. 12, 1969; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-425]

MARCEAU M. AND DORIS ADELLE HERCHY

Notice of Loan Application

MARCH 7, 1969.

Marceau M. Herchy and Doris Adelle Herchy, 316 Arlington Road, West Palm Beach, Fla. 33405, have applied for a loan from the fisheries Loan Fund to aid in financing the construction of a new 57-foot length overall wood vessel to engage in the fishery for snapper and grouper.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3026; Filed, Mar. 12, 1969; 8:47 a.m.]

[Docket No. G-426]

MISS SARAH, INC.

Notice of Loan Application

MARCH 7, 1969.

Miss Sarah, Inc., Star Route, Box 5, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.9-foot registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3027; Filed, Mar. 12, 1969; 8:47 a.m.]

[Docket No. B-452]

TRAWLER MAINE, INC.

Notice of Loan Application

MARCH 7, 1969.

Trawler Maine, Inc., % Sidney W. Thaxter, 192 Middle Street, Portland, Maine 04111, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 56.7-foot registered length wood vessel to engage in the fishery for groundfish, scallops, lobsters, shrimp, whiting, and herring.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3028; Filed, Mar. 12, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 2]

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The Agricultural Stabilization and Conservation Service Statement of Organization, Functions, and Delegations of Authority, as published at 33 F.R. 542, January 16, 1968 and amended at 33 F.R. 4342, March 8, 1968 is further amended to reflect the consolidation of the Inventory Management Division and Procurement and Sales Division into a new division called the Commodity Operations Division.

Paragraph II.A.1.f of the Statement of Organization, Functions, and Delegations of Authority is revised to read:

f. Deputy Administrator, Commodity Operations:
(1) Commodity Operations Division.
(2) Kansas City Commodity Office.
(3) Minneapolis Commodity Office.
(4) New Orleans Commodity Office.

Paragraph III.A.6 of the Statement of Organization, Functions, and Delegations of Authority is revised to read:

6. *Deputy Administrator, Commodity Operations.* The Deputy Administrator, Commodity Operations, is primarily responsible for the administration of the acquisition, storage (except CCC-owned bin storage), transportation, processing, management, and disposition of CCC-owned commodities except tobacco, peanuts, tung oil, and naval stores, including maintenance of trade relationships. The Deputy Administrator, Commodity Operations, provides program interpretations to approved program policy, and provides administrative and program direction and coordination to the assigned divisions and offices, as set forth below, and carries out assigned defense activities. The Deputy Administrator, Commodity Operations, is also Vice President of the Commodity Credit Corporation.

a. *Commodity Operations Division.* The Commodity Operations Division formulates, recommends and coordinates

operating policies and programs for purchases, domestic sales, dispositions including donation programs, storage and handling standards, guides and practices, storage and special handling agreements, and an overall inventory management program for CCC- and USDA-owned commodities. It formulates and recommends operating program plans and policies for (1) the Processor and Export Wheat Marketing Certificate Program, including determination of export wheat marketing certificate costs, (2) the wheat and wheat flour export programs, including the determination of subsidy rates, and (3) for other domestic operations to implement the International Grains Arrangement. The Commodity Operations Division develops terms and conditions of contracts to purchase commodities in commercial markets for donation programs. It provides technical transportation guides and assistance, and carries out assigned defense activities.

b. [Revoked]

* * * * *

Paragraph VI.A is revised by deleting the terms "Director, Inventory Management Division" and "Director, Procurement and Sales Division" and inserting "Director, Commodity Operations" in lieu thereof.

Signed at Washington, D.C., this 7th day of March 1969.

Approved:

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

CLARENCE D. PALMBY,
Assistant Secretary of Agriculture.

[F.R. Doc. 69-3064; Filed, Mar. 12, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)-11]

PETROSERVICE INTERNATIONAL G.m.b.H.

Order Extending Temporary Denial of Export Privileges

In the matter of Petroservice International G.m.b.H. [PSI (Petroservice International) Gesellschaft fuer oel-und Gastechnik mit beschraenkter Haftung], Adolfsalle 27, 6200 Wiesbaden, Federal Republic of Germany, respondent; File No. 23(67)-11.

On January 10, 1969, an order temporarily denying export privileges for 60 days was entered against the above-named Petroservice International G.m.b.H. in which Michael Schmidt-Sandler, commercial manager of said firm was specifically named as a related party (34 F.R. 564). Said order was issued because on the evidence presented there was reasonable basis to believe that respondent while subject to the prohibitions and restrictions of certain denial orders, the first of which was entered on February 19, 1968, violated said denial orders by participating in U.S. export transactions through a British firm. The respondent's participation in said transactions is more particularly set forth in the said order of January 10, 1969.

The Director, Investigations Division, has applied under § 382.11 of the Export Regulations for an extension of the temporary denial order until the completion of compliance proceedings. The application for the extension also represents that the Investigations Division has unearthed evidence showing that respondent has committed other violations of the Export Control Act of 1949. Representations have been made that a charging letter will be issued against the respondent on or before April 4, 1969.

The application has been considered by the Compliance Commissioner and he has reported his recommendation to me that the temporary order be extended as requested. He has found that such an extension is reasonably necessary to protect the public interest and for effective enforcement of the law. I confirm these findings. *Accordingly, it is hereby ordered:*

I. The prohibitions and restrictions of the temporary denial order issued on January 10, 1969 (34 F.R. 564), against the above-named respondent in which Michael Schmidt-Sandler is named as a related party, are hereby continued in full force and effect.

II. The respondent, its assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees, including Michael Schmidt-Sandler, commercial manager of respondent, and to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the prohibitions and restrictions of the temporary denial order of January 10, 1969, and shall remain in effect until the completion of compliance proceedings based on the charging letter soon to be issued in the matter.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent and the other party named herein or upon the attorney for said parties.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent or the other party named herein may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: March 10, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-3050; Filed, Mar. 12, 1969; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

AZOBISFORMAMIDE FROM JAPAN

Notice of Intent To Revoke the Finding of Dumping

A finding of dumping with respect to Azobisformamide from Japan was made

in Treasury Decision 56414 which was published in the FEDERAL REGISTER on May 28, 1965 (30 F.R. 7187–88).

After due investigation, I find that Azobisformamide from Japan is no longer being, nor likely to be, sold in the United States at less than fair value. Supporting that finding are the facts that importations of Azobisformamide since October 1965 have not been at less than fair value and that the foreign supplier of this merchandise has given assurances that future sales of Azobisformamide to the United States will not be made at less than fair value. Accordingly, notice is hereby given that the Treasury Department intends to revoke the dumping finding as to Azobisformamide from Japan.

Prior to the issuance of the proposed revocation, consideration will be given to any relevant data, views, or arguments which are submitted in writing by interested parties to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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

Approved: February 26, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-3059; Filed, Mar. 12, 1969; 8:50 a.m.]

Office of the Secretary

FROZEN HADDOCK FILLETS FROM EASTERN CANADIAN PROVINCES

Determination of Sales at Not Less Than Fair Value

MARCH 5, 1969.

On January 10, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that frozen haddock fillets from Eastern Canadian provinces are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until February 10, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that frozen haddock fillets from Eastern Canadian provinces are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

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

[F.R. Doc. 69-3061; Filed, Mar. 12, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CALGON CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2396) has been filed by Calgon Corp., Calgon Center, Post Office Box 1346, Pittsburgh, Pa. 15230, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of certain acrylamide-dimethyl diallyl ammonium chloride copolymers as retention aids in the manufacture of paper and paperboard intended for food-contact use.

Dated: March 6, 1969.

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

[F.R. Doc. 69-3019; Filed, Mar. 12, 1969; 8:46 a.m.]

SULFAMERAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Sulfamarex; contains 12.5 percent weight-to-volume of sodium sulfamerazine; marketed by Paul's Products Co., Mankato, Minn. 56001.

The Academy concluded that:

1. This product in drinking water is probably effective for treatment of certain infections in cattle, sheep, swine, and poultry; however, each disease claim should be properly qualified as "Appropriate for the use in (name of disease) caused by pathogens (name species) sensitive to sulfamerazine." The species of coccidia should be shown for each host.

2. Additional documentation is needed on the palatability of the drug when used in water.

3. More information is needed to support the drug dosage in poultry.

4. The label should warn that treated animals must actually be consuming enough medicated water to provide a therapeutic dosage under the conditions that prevail. As a precaution, the label should bear the desired oral dose per unit of animal weight per day for each species as a guide to effective usage of preparation in drinking water.

The Food and Drug Administration concurs with the conclusions of the Academy.

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

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

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

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

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

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

Dated: March 6, 1969.

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

[F.R. Doc. 69-3020; Filed, Mar. 12, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

PROJECT GASBUGGY

Availability of Containers of Gas

1. Notice is hereby given by the U.S. Atomic Energy Commission that containers of gas produced in connection

with Project Gasbuggy are now available during the production test period anticipated to last for another 4 to 6 months at the Commission's facility at the Project Site, Rio Arriba County, N. Mex.

2. Project Gasbuggy is a joint experiment of the U.S. Atomic Energy Commission, the U.S. Department of the Interior, and El Paso Natural Gas Co. to investigate the use of a nuclear explosion deep underground to stimulate natural gas production. The nuclear explosion was conducted in a natural gas formation in Rio Arriba County, near Farmington, N. Mex., on December 10, 1967.

3. Each container shall hold approximately 7,950 milliliters (approximately 0.28 cubic feet) of gas. Containers shall be available f.o.b., customer's vehicle or commercial conveyance at the Commission's facility. The charge shall be $60 per container.

4. Requests for such samples shall be made in writing to the Manager, U.S. Atomic Energy Commission, Las Vegas, Nev., and shall include (a) the name and principal business activity of the requestor, (b) the anticipated use of the sample, and (c) the nature of the analysis that will be conducted.

5. Users will be required to (a) procure all necessary permits and licenses, (b) provide the results of their research to the AEC, and (c) extend to the AEC appropriate data and patent rights.

Effective date. This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of March 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-3002; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Notice of Issuance of Provisional Operating License

Please take notice that no request for a hearing by the applicant or petition for leave to intervene by any interested person having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating License No. DR-15 authorizing the General Electric Co. (General Electric) and Southwest Atomic Energy Associates (SAEA), with General Electric acting for itself and for SAEA, to possess, use, and operate the plutonia-urania fueled, fast-spectrum, sodium-cooled experimental reactor. The reactor, known as the Southwest Experimental Fast Oxide Reactor (SEFOR), is located in Cove Creek Township, Washington County, Ark., approximately 19 miles southwest of Fayetteville, Ark.

The reactor is designed to operate at approximately 20 megawatts thermal, but initial operation will be limited to 1 megawatt thermal to permit initial fuel loading and testing, pending completion of the evaluation of full-power operation as proposed. The license authorizes operation of the reactor at power levels up to 1 megawatt thermal, and incorporates appropriate technical specifications. Further public notices in accordance with the Commission's rules of practice, 10 CFR Part 2 will be given prior to the issuance of any license amendment authorizing operation at higher power levels.

The Commission has inspected the facility and determined that it has been constructed in accordance with the provisions of Provisional Construction Permit No. CPPR 17 to the extent necessary for the conduct of all operations up to a power level of 1 megawatt thermal except for certain transient experiments utilizing the Fast Reactor Excursion Device.

The provisional operating license, as issued, is as set forth in the notice of proposed issuance of Provisional Operating License published in the FEDERAL REGISTER on November 15, 1968, 33 F.R. 16683.

Dated at Bethesda, Md., this 4th day of March 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-3003; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Order Extending License Expiration Date

By application dated November 21, 1968, and supplement dated January 22, 1969, Power Reactor Development Co. requested an extension of the expiration date of Provisional Operating License No. DPR-9. Good cause having been shown for extension of said date pursuant to § 50.57(d) of 10 CFR Part 50 of the Commission's regulations, it is hereby ordered that the expiration date of Provisional Operating License No. DPR-9 is extended to June 30, 1970.

Date of issuance: March 3, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-3004; Filed, Mar. 12, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 18650, 20291; Order 69-3-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Issued under delegated authority March 10, 1969.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare and rate matters; Docket 18650, Docket 20291, Agreement CAB 20773, R-8, Agreement CAB 20808, R-1 and R-2, Agreement CAB 20839.

Agreements have 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 the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes and by the 15th meeting of the Traffic Handling and Accounting Working Group. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements, insofar as they apply in air transportation as defined by the Act, would (1) make an editorial change so as to clarify the carriers' intent that a preclusion of absorption of airport passenger service charges shall not be construed to exclude the absorption of those limited expenses of passengers en route which would normally be allowed, (2) advance from April 1 to March 16 the intended effectiveness date of Buffalo/Syracuse-Bermuda 17-day excursion fares approved by the Board in Order 69-2-123, dated February 25, 1969, so as to conform with the effectiveness date for other U.S.-East Coast-Bermuda excursion fares approved in Order 68-12-94, dated December 17, 1968, and to overcome construction and tariff technicalities, and (3) update, to reflect corrections, the names of countries or units of currencies used in the rounding up of cargo rates and passenger fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is tentatively not found that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA Resolutions*
20773, R-8	TC1(15/THWG)295a. TC2(15/THWG)295a. TC3(15/THWG)295a.
20808, R-1	100(Mail 575)070.
20839	100(Mail 577)023a and 023b. 200(Mail 878)023a and 023b. 300(Mail 288)023a and 023b. JT12(Mail 577)023a and 023b. JT23(Mail 212)023a and 023b. JT31(Mail 158)023a and 023b. JT123(Mail 577)023a and 023b.

2. It is found that Resolution 100 (Mail 575) 0701, incorporated in Agreement CAB 20808, R–2, does not affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That:

1. Action on Agreements CAB 20773, R–8; 20808, R–1; and 20839 be and hereby is deferred with a view toward eventual approval.

2. Jurisdiction is hereby disclaimed with respect to Agreement CAB 20808, R–2.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–3062; Filed, Mar. 12, 1969; 8:50 a.m.]

[Docket No. 20267]

TWIN CITIES-MILWAUKEE SOUTHEAST POINTS 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 22, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Greer M. Murphy.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 11, 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 10, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–3063; Filed, Mar. 12, 1969; 8:50 a.m.]

[Docket No. 20728]

LINEA AEREA NACIONAL-CHILE (LAN)

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 13, 1969, at 2 p.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 10, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69–3103; Filed, Mar. 12, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18456, 18457; FCC 69–180]

HARVIT BROADCASTING CORP. AND THREE STATES BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harvit Broadcasting Corp., Williamson, W. Va., Docket No. 18456, File No. BPH–6075; Requests: 96.5 mcs, No. 243; 50 kw(H); 50 kw(V); 500 feet; Three States Broadcasting Co., Matewan, W. Va., Docket No. 18457, File No. BPH–6157; Requests: 96.5 mcs, No. 243; 14.3 kw(H); 14.3 kw(V); 829 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.[1]

2. The respective proposals, which are for different communities, would serve substantial areas and populations in common. Consequently, in addition, to determining pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68–847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Three States appears to have made an adequate survey but it has not listed the suggestions it received. Thus, we are unable at this time to determine whether Three States is aware of and responsive to the needs of its area. Accordingly, a suburban issue is required.

4. Harvit Broadcasting Corp. proposes approximately 27–30 percent duplicated programing while Three States Broadcasting Co. proposes approximately two-thirds duplicated programing. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposal will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67–614 (1967).

5. Three States Broadcasting Co. has requested waiver of § 73.210(a)(2) of the Commission's rules to permit the main studio to be located outside the city limits of Matewan, W. Va., at a point other than the transmitter site. The proposed main studio location, approximately one-half mile from Matewan is already being used as the studio location for the companion AM station. Under these circumstances, we believe that adequate justification has been provided for waiver if the Three States application is granted.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the efforts made by Three States Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other FM services of 1 mv/m or greater intensity in such areas.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered,* That the Petition for special issues filed by Three States Broadcasting Co., is dismissed.

9. *It is further ordered,* That if the Three States Broadcasting Co. application is granted, the provisions of § 73.210 (a)(2) of the Commission's rules shall be waived to permit the establishment of the main studio outside the city limits of Matewan, W. Va.

10. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

[1] On Feb. 18, 1969, Three States Broadcasting Co. filed a petition for special issues which in effect is a petition to deny. As such it is clearly untimely—see § 1.580(1) of the Commission's rules—and consequently it will be dismissed. This dismissal, however, is without prejudice to Three States Broadcasting Co.'s renewing its request in the form of a petition to enlarge issues, pursuant to § 1.229 of the rules.

11. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 26, 1969.

Released: March 7, 1969.

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

[F.R. Doc. 69-3055; Filed, Mar. 12, 1969; 8:49 a.m.]

[Dockets Nos. 18458, 18459; FCC 69-181]

NEW ERA BROADCASTING CO., INC., AND SOUTHERN UTAH BROADCASTING CO. (KSUB)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of New Era Broadcasting Co., Inc., Cedar City, Utah, Requests: 940 kc, 10 kw, Day, Docket No. 18458, File No. BP-17242, for construction permit; Southern Utah Broadcasting Co. (KSUB), Cedar City, Utah, Has Lic: 590 kc, 1 kw, DA-N, U, Docket No. 18459, File No. BR-933; for renewal of license.

1. The Commission has before it for consideration (a) the above-captioned applications; (b) a petition to deny the application, filed by Southern Utah Broadcasting Co., licensee of standard broadcast station KSUB, Cedar City, Utah (hereinafter referred to as "KSUB"); and (c) pleadings in opposition and reply thereto.

2. Petitioner claims standing as a party in interest on the ground that as licensee of Cedar City's only existing radio station it would suffer substantial economic injury should the applicant's proposal for a second standard broadcast station in Cedar City be granted. The Commission finds that the petitioner does have such standing within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. The basis of KSUB's request for denial of the application is a contention that the competition for local revenues which another radio station in Cedar City would engender would result in degradation of public service programming presently provided by KSUB. Moreover, concludes the petitioner, there is no assurance that, with the limited amount of local revenues available, New Era's station could fulfill its program commitments. Petitioner is presumably basing its opposition on Carroll Broadcasting Company v. Federal Communications Commission, 103 U.S. App. N.C., 346, 258 F. 2d 440, 17 RR 2066 (1958). The petitioner relies on Missouri-Illinois Broadcasting Co., FCC 64, 748, 3 RR 2d 232 (1964), as to "the particulars" of its argument, and Folkways Broadcasting Co., 375 F 2d 299, 8 RR 2d 2089 (1967).

4. In its effort to show that there is insufficient revenue potential in the Cedar City area to adequately support two AM radio stations, KSUB provides demographic and economic data, a tabulation and evaluation of its accounts, and a "survey" of its major advertisers which, according to the petitioner, indicates that "the major part of the radio advertising budget is already being spent for this purpose". As noted by the petitioner, Cedar City, with a population of 7,543,[2] is located in Iron County, Utah, which has a population of 10,795, and estimated retail sales for 1965 in the amount of $19,976,000. Although KSUB derives the bulk of its revenue from Iron County, it also solicits advertising in Millard, Washington, Beaver, Garfield, Kane, Piute, and Lincoln (Nevada) Counties, with a total population, including Iron County, of 43,374.[3] Total combined retail sales for these counties for the years 1963, 1964, and 1965 were 61.1, 58.0, and 62.3 million dollars, respectively, of which 19.3, 18.8, and 19.9 million were attributable to Iron County.

5. Referring to its advertiser evaluation, which is essentially a tabulation of its current accounts, the petitioner states that of 217 potential local accounts in Cedar City itself, 165 have advertised over KSUB during 1966, an additional 34 accounts are not available for local advertising, and there are at most 18 untapped sources in the city.[4] Implying that New Era would divert local revenues from present KSUB advertisers, the petitioner claims that approximately $9,000 of local revenues now spent with KSUB by Cedar City merchants would be lost to New Era solely because of the fact that certain named merchants are associated with the ownership of New Era. The petitioner also points out that due to the sparse population and the fact that retail establishments are in the main small and scattered throughout the area, it maintains two full-time salesmen who travel as far as 100 miles from Cedar City to "scrounge" for local accounts. KSUB argues that in view of New Era's plans to handle sales with three persons, each of whom is to handle other duties such as announcing and traffic, it is difficult to see how it can attract new advertising. The petitioner also avers that it competes for its advertising with Station KSVC, Richfield, Utah, which draws advertising from Millard, Beaver, Garfield, and Piute Counties; with Station KDXU, St. George, Utah, drawing from Washington, Iron, and Kane Counties; and with Station KPGE, Page, Arizona, which advertises in Kane, Washington, and Iron Counties.[5] The petitioner also states that the following newspapers compete for local advertising revenues: Southern Utah News Advertiser, Southern Utah News, Washington County News, Iron County Record, Beaver Press, Garfield County News, Ploche Record, Caliente Herald. (Neither Cedar City nor Iron County has a newspaper).

6. Petitioner estimates that the operation of another station in Cedar City would result in a loss to KSUB of at least $35,000 a year in sales, and to compensate for this loss it would have to revise its organizational structure, program format, and entire concept of doing business. Specifically these revisions would include (i) a change from a balanced middle-of-the-road approach in programing to a contemporary sound, top 40—country music type format; (ii) discontinuance of its College of Southern Utah sports program; (iii) a cut back on hours of operation with a sign-off time of possibly 9 p.m.; and (iv) the probable termination of its CBS affiliation. As to organizational changes, the petitioner anticipates that it would release two full time people and one engineer-announcer, its combination sales, news, and sports man, and its part-time office help, and that in addition to various curtailments and substitutions in programing which this loss of manpower would entail, the station would no longer be able to continue to search out the needs, and to produce and program material which is necesary in informing the public about the various civic activities which merit public support and information.

7. KSUB anticipates that the savings resulting from the foregoing economies would amount to only about $14,500, and that accordingly, it would be unable to accept the anticipated loss of $35,000 in local business and still operate in the black. Further, the petitioner submits that the proposed New Era operation would not be able to replace the afore-

---

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

[1] All population figures, unless otherwise indicated, are from the 1960 U.S. Census.

[2] Based on Commission studies, a total population of 51,845 would be served by New Era's proposed station. The applicant proposes to provide service to these seven counties, and also the towns of Mesquite, Overton, and Bunker in Clark County, Nev.

[3] Petitioner's account tabulation is complex and somewhat conflicting, e.g., it states that there are 567 businesses in the four principal counties (Iron, Washington, Beaver and Kane); that of these, 173 are not available for advertising for various stated reasons, 70 are in Kane County where the KSUB signal is weak, and 121 are in St. George County which has its own station (KDXU). Thus, it would appear by petitioner's figures that there are 203 potential advertisers in these four counties. However, another table showing the number of local accounts by county indicates that KSUB had, during the first 8 months of 1966, a total of 207 accounts in these counties, and this figure includes only accounts "sold by its own salesmen".

[4] New Era states that petitioner is in error in stating that Station KDXU serves Iron and Kane Counties and that Station KPGE serves Washington and Iron Counties. Commission studies indicate that the former station serves only parts of Iron and Kane, and the latter station none of Washington and Iron Counties.

said services which KSUB "could no longer provide" because (i) New Era does not propose nighttime operation; (ii) without nighttime operation there can be no college sports coverage; (iii) news would not be adequately covered as New Era does not propose a wire service or an organized local news staff; (iv) local public service would suffer, since presumably the smaller proposed staff of New Era would be unable to do what KSUB "would no longer be able to do"; and (v) service to outlying communities would suffer as the proposed outlet does not provide for sufficient outside sales personnel to meet the needs.

8. New Era, in its opposition to the petition[5] asserts that Cedar City, the largest city in southern Utah is the geographic, economic and distribution center of the tristate area of southern Utah, northern Arizona, and eastern Nevada, with a population increase of more than 23.5 percent for the city and 12 percent for the county between 1950 and 1960. Moreover, while the labor force increased 14.3 percent during this period, employment rose by 16.1 percent and unemployment decreased by 19.4 percent and further, according to the applicant, retail trade sales in Iron County increased from $14,486,000 in 1958 to $18,725,000 in 1963, and retail trade payrolls increased from $1,504,000 to $1,936,000. New Era also refers to a "population explosion" in the two area colleges, College of Southern Utah; and Dixie College, and states that the University of Utah estimates that the increased enrollment at both schools will double the population of both Cedar City and St. George. As an indication of its outlook for a tourist as well as an industry boom, the applicant describes Cedar City as "the gateway to Southern Zion National Park, Bryce Canyon National Park, and the northern rim of the Grand Cayon," and provides a newspaper article which refers to the new "Iron Mission Park", and to Brianhead and other local ski areas as evidence that some of its tourist and recreation aspirations are already being realized.[6]

9. Responding to KSUB's argument that the major part of the local radio advertising budget available is already being spent, New Era challenges the validity of the petitioner's survey of its major advertisers on the basis that (i) it was biased since the latter questionnaire did not indicate that it concerned a new additional radio station; (ii) it was sent only to present KSUB advertisers and provides no indication of potential new advertisers; and (iii) only 56 (of 101 letters sent out) of 567 potential advertisers were represented in the survey.[7] New Era observes that 30 respondents indicated "maximum" expenditures totaling $31,509 and 26 indicated "minimum" or "medium" expenditures totaling $22,722, and moreover, according to KSUB's own figures, the remaining 182 of its 238 accounts only provided it with $23,081.73 in advertising revenues. The applicant points out that the untapped advertising potential of these accounts is self-evident.

10. Citing retail sales data vis-a-vis KSUB's accounts, New Era contends that by using local residents on a commission basis throughout its primary service area it can show a much more efficient use of personnel than that demonstrated by KSUB, which claims a total of only 238 out of a possible 567 possible accounts, with two full-time salesmen bringing in only 83 accounts from outside of Iron County.[8] New Era also observes that part of the reason for KSUB's inefficient account sales is due to failure to provide an adequate commercial signal to several populous portions of Washington, Kane, Garfield, Millard, Piute, and Clark Counties, and also states that its rates are too high for many of the local advertisers. The applicant concludes that it need not take any advertising away from KSUB, will not compete at all with it at night, and that with the untapped advertising potential in the area plus an estimated $9,000 annual revenue from national and regional sources, and $15,000 minimum for regional and network sales, it will be able to operate at a profit. Furthermore, New Era challenges KSUB's financial figures as to operating expenses[9] and asserts that its conclusion that a loss of at least $35,000 a year in sales would result if the proposed station is actuated "is completely unsupported by facts and shown to be false by our factual showing regarding advertising potential".

11. Finally, New Era questions the petitioner's anticipated program changes in the event of a grant of its application, and whether in fact these would be necessary. For example, if Station KSUB is presently operating in accordance with the needs, tastes and desires of its audience, New Era asks, how can a change in format make it more successful? As to the College of Southern Utah sports broadcasts, New Era does not mention line charges (which KSUB says total $15,000), but states that these broadcasts are fully sponsored, with the sportscaster's expenses paid by the college, and that it would like to be able to carry these should KSUB in fact give them up.[10] Similarly, the vast majority of the programs classified or described as public service programs by KSUB, such as its "This is My Country Contest" are, according to New Era, fully sponsored revenue-producing programs. The applicant also contends that all but one of the religious denominations broadcasting on KSUB must pay for their time. As to local news and public service coverage, New Era states that KSUB has never attempted to provide real local service to people outside of Cedar City, and that any alleged cutback in this area on the part of KSUB would be more than offset by the new service for all of Southern Utah which the applicant would provide.

12. Although the applicant appears to have effectively rebutted many of the petitioner's economic allegations, we find that a hearing is required. In this regard, we note that the court in Folkways[11] decreed that: "* * * At times there might be a knowledge of a specific financial loss and its detrimental consequence on programing, but we think a Carroll hearing may not be limited to a case in which preknowledge of the exact economics of the situation is necessarily available. Requiring such precision would eliminate the doctrine as a practical matter."

As to the question of withdrawal of programs, the court indicated that a specific advance showing that a particular program would be abandoned should the economic injury ensue would be to force an advance decision where some latitude should be left to management. Such a requirement would "come too close to nullification of the Carroll doctrine". For these reasons, we find that the petitioner has raised substantial and material questions of fact concerning the ability of Cedar City to support another standard broadcast station without a net degradation of program service to the public. Accordingly, a Carroll issue will be specified.

13. In K-Six Television, Inc., 2 FCC 2d 1021, 7 RR 2d 128 (1966), we held that where an existing licensee raises a Carroll issue while an application for renewal of the existing station's license is pending, the public interest requires that

---

[5] New Era contends at the outset of its opposition pleading that the KSUB petition should be dismissed, contending that the petitioner's affidavit in support of its allegations was defective under section 309(d)(1) of the Communications Act of 1934, as amended. However, any possible defect in this regard has since been eliminated by a proper affidavit which the petitioner filed with its reply to the New Era opposition pleading.

[6] Salt Lake Tribune Business, Feb. 5, 1967.

[7] The survey letter, printed on KSUB's stationery, states that it is "conducting a survey to evaluate our sales efforts and more fully determine radio advertising potential in our market * * *". The letter indicates the addressee's expenditures for 1963, 1964, and 1965, requests an indication as to whether this represents the maximum, medium or minimum amount that the firm should be spending for advertising, and solicits comments on KSUB's service.

[8] New Era provides its own survey indicating that of 94 present KSUB advertisers, 90 would also advertise on a new station, and of 50 potential (non-KSUB) advertisers interviewed, 32 "might", and 18 "would definitely" advertise on the proposed station.

[9] New Era asserts that KSUB has failed to include depreciation and payments to principals; also that some of the expenses charged to KSUB may be attributable to some of its commonly owned stations. KSUB, however, provided the figures in this category requested pursuant to the Missouri-Illinois requirements, to wit, local advertising revenues, total revenues, total expenses, net profit, and number of employees.

[10] Petitioner states that the present season package price is $5,353, of which $4,138 is paid for outside services, leaving only $1,215 for station operation. As to its "probable termination of our CBS affiliation", New Era observes that we are provided with no information or data for assessing the effect of this (either as to loss of programing to the public, or savings as to KSUB), but that in any case it (New Era) will provide ABC network programing.

[11] Folkways Broadcasting Co., 375 F. 2d 299, 8 RR. 2d 2089 (1967).

such renewal application be designated for hearing in a consolidated proceeding. As we stated there, this procedure is necessary because if it should be found that the area cannot support another broadcast station without a net loss of service to the public, the Commission must determine that the limited broadcasting facilities available will be operated by the party who will better serve the public interest. Moreover, if it develops that a comparison is necessary between the renewal application and the new proposal, consolidation of the two applications for hearing at the outset makes possible an earlier determination of which applicant would better serve the public interest. Accordingly, such consolidation, with a contingent comparative issue, will be ordered herein.[12]

14. Based on information provided by New Era, a total of $78,934 will be needed to construct and operate the proposed station for 1 year without resort to broadcast revenues. It is estimated that a total of $37,774 will be required to meet first year construction and equipment costs, and $41,160 for working capital. New Era has established the availability of $2,400 in cash and/or liquid assets, $47,600 in stock subscriptions, and a $20,000 bank loan commitment, for a total of $70,000. Thus, the applicant falls $8,934 short of the required available liquid assets and a financial issue will therefore be specified.

15. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of either or both of the above-captioned applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding, on the issues set forth below.

16. *Accordingly, it is ordered,* That, pursuant, to section 309(e) of the Communications Act of 1934, as amended, the application of New Era Broadcasting Co., Inc., for a construction permit and the application of Southern Utah Broadcasting Co. for renewal of its license for Station KSUB, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the application of New Era Broadcasting Co., Inc.:

(a) The sources of additional funds necessary to meet the costs of construction and operation of the proposed station during the first year.

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

2. To determine whether there are adequate revenues available to support an additional standard broadcast station in the area proposed to be served by New Era Broadcasting Co., Inc., without a net loss or degradation of broadcast service to such area.

3. To determine, in the event that Issue 2, above, is resolved in the negative, whether a grant of the above-captioned application of New Era Broadcasting Co., Inc., or a grant of the above-captioned application of Southern Utah Broadcasting Co., would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. *It is further ordered,* That, the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 2, above, are hereby placed upon Southern Utah Broadcasting Co.

18. *It is further ordered,* That, the petition of Southern Utah Broadcasting Co. is granted to the extent indicated above and is denied in all other respects.

19. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

20. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 26, 1969.

Released: March 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[13]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3056; Filed, Mar. 12, 1969; 8:50 a.m.]

[12] Provision for this eventuality was occasioned by the Commission's action of Oct. 11, 1967, setting aside a previous grant of KSUB's renewal. Southern Utah Broadcasting Company, 10 FCC 2d 320, 11 RR 2d 450.

[13] Commissioners Robert E. Lee and H. Rex Lee absent; Commissioner Cox dissenting.

[Report No. 430]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 10, 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

5066-C2-P-69—Credit Bureau of Decatur, Inc.; (New); C.P. for a new 1-way station to be located at 260 East Wood Street, Decatur, Ill., to operate on frequency 158.70 MHz.

5067-C2-P-69—Atlas Security Service, Inc.; (KFL946); C.P. to add a second channel to operate on base frequency 152.15 MHz located at 833 East Elm Street, Springfield, Mo.

5069-C2-P-(3)69—General Telephone Co. of the Southwest; (KKA284); C.P. to add a third channel to operate on base frequency 152.60 MHz and replace transmitters operating on 152.51 and 152.81 MHz at station located at 320 North Shipp Street, Hobbs, N. Mex.

5070-C2-P-69—Calumet Radio Dispatch; (KSB589); C.P. to change the antenna system operating on 152.09 MHz located at 504 Broadway, Gary, Ind.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

5072-C2-P-69—Relay Communications Corp.; (New); C.P. for a new 2-way station to be located on Route 58, Riverhead, N.Y., to operate on base frequency 152.06 MHz.

5073-C2-P-69—General Telephone Co. of the Southwest; (New); C.P. for a new 2-way station to be located at 3500 North Beltline Road, Irving, Tex., to operate on frequency 454.525 MHz.

5074-C2-P-69—General Telephone Co. of California; (KMM617); C.P. to replace base transmitter operating on 152.66 MHz and change the antenna system for same located at Mount Solomon, 8 miles south of Santa Maria, Calif.

5075-C2-P-69—Central Mobile Radio Phone Service; (KQK595); C.P. to replace base transmitter operating on 152.15 MHz located at 505 Jefferson Avenue, Toledo, Ohio.

5076-C2-P-69—Florida Radio Phone; (KIG845); C.P. to add a second channel to operate on frequency 454.175 MHz at station located at 3101 North Federal Highway, Fort Lauderdale, Fla.

5078-C2-P-(2)69—The Mountain States Telephone & Telegraph Co.; (KAH667); C.P. to replace defective coaxial transmission lines on frequencies 152.63 and 152.69 MHz for station located at 1 mile south-southeast of Monte Vista, Colo.

5079-C2-P-(2)69—South Central Bell Telephone Co.; (KKM580); C.P. to add a second channel to operate on frequency 152.63 MHz and remove an isolator from transmission line. Station location: 248 East Capitol Street, Jackson, Miss.

5080-C2-P-69—General Telephone Co. of Illinois; (New); C.P. for a new 2-way station to be located at 439 South Main Street, Princeton, Ill., to operate on base frequency 152.66 MHz.

5081-C2-P-69—General Telephone Co. of Kentucky; (New); C.P. for a new 1-way station to be located near 13th Street and Lexington Avenue, Ashland, Ky., to operate on base frequency 152.84 MHz.

5082-C2-P-(2)69—The Chesapeake & Potomac Telephone Co. of Virginia; (KIC347); C.P. to add two base channels on 152.54 and 152.60 MHz and two test channels on 157.80 and 157.86 MHz, at station located at 120 West Bute Street, Norfolk, Va.

5196-C2-TC-(2)-69—Radiofone of Georgia, Inc.; Consent to transfer of control from Parmelee Ward, Transferor, to: Radio Communications & Electronics Co., Transferee. Stations: KJU807 Valdosta, Ga.; KLF502 Tifton, Ga.

5197-C2-P-69—Mobilfone of Kansas; (New); C.P. for a new 2-way station to be located at 1.5 miles west of city limits, Topeka, Kans.

5237-C2-P-69—South Central Bell Telephone Co.; (KIA648); C.P. to add a third channel on base frequency 152.78 MHz and change the antenna system located at 521 West Chestnut Street, Louisville, Ky.

5238-C2-ML-69—Indiana Bell Telephone Co.; (KSJ612); Modification of license to change the signaling frequency from 454.990 MHz to 454.675 MHz at developmental station located at Beach Hilltop Subdivision Road, northeast of Hillcrest Road, Vincennes, Ind.

5235-C2-P-(2)69—Empire Communications Co.; (KOP306); C.P. to relocate facilities at location No. 1 to: Noah Butte, 4.5 miles east of Coos Bay, Oreg.; replace base transmitter operating on 152.03 MHz; replace repeater transmitter on 459.05 MHz and change the antenna system for same.

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

ALABAMA

Licensee	Call sign
Anniston Communications Service.	KIY532
Chapman Radio & Television Co.	KIE366
Do	KIF650
Do	KIY734
McCord's Communications Service.	KIG303
Phenix Communications Co., Inc.	KLF555

ARIZONA

Southwest Communications	KOF906

CALIFORNIA

Auto-Phone Co	KLF482
Do	KME439
Carford Corp	KMA219
Electropage, Inc	KMD986
Intrastate Radio Telephone, Inc. of San Bernardino.	KMA260
Kidd's Communications, Inc	KMA257
Do	KMD349
Jack Loperena	KMA267
Mobilfone, Inc	KMA253
Do	KMB309
National Communications Systems, Inc.	KMM704
Do	KMM705
Do	KMM706
Orange County Radiotelephone Service, Inc.	KMB304
Riggs Radio Dispatch	KMA836
Do	KME446
Do	KME447
Radio Page Communications, Inc.	KME438
Santa Cruz Telephone and Radio Service.	KMD683
Do	KME437

COLORADO

Licensee	Call sign
Answerphone, Inc	KFL930
Communications, Inc	KAA280
Empire Dispatch, Inc	KAA279
Mobile Radio-Telephone Service, Inc.	KAQ606
RI-AN Enterprises, Inc	KAF241
Ute Communications	KAF645

CONNECTICUT

Airpage	KCC802
Associated Telephone Answering Service.	KCI309
Murray Cohen	KCI299
Mercer & Dunbar Armored Car Service, Inc.	KCA514
Do	KCA746
Mobilfone System, Inc	KCC484
Well Service	KCC479

DELAWARE

Wilmington Telephone Answering Service, Inc.	KGC591

FLORIDA

Anserfone, Inc	KIA955
Anserfone of St. Lucie County, Inc.	KIG838
Bair Communications	KIY520
Haywood & Stevens	KLF491
Jacksonville Radio Dispatch Service.	KIB388
Do	KIQ510
Radio Telephone Co. of Gainesville.	KFL922
Do	KIY464
Do	KJU814
Abe Schonfeld	KIM906
James T. Whitaker	KIM899
Willcox Communications	KJU805

GEORGIA

Licensee	Call sign
Chapman Radio & Television Co.	KIE953
Professional Administrative Service, Inc.	KIG300

ILLINOIS

Central Watch Service, Inc	KSD312
William A. Houser	KSD313
North Shore Radio-Telephone, Inc.	KSB590
Do	KSD316

INDIANA

Harold's Radio Service	KSD321
Radio Page of Michiana, Inc	KSD320
Terre Haute Mobile Radio Service.	KSB655

IOWA

Answer Iowa, Inc	KAF244
Do	KAI934
Do	KAL879
Do	KCI306
Do	KCI307
Do	KFQ920
Do	KJU810

KENTUCKY

Paducah Radio Telephone Service.	KJU799
Portsmouth Radiotelephone	KFQ936

LOUISIANA

Morgan City Mobilephone	KPJ896
Radiofone	KKO349
Do	KLB571
Selective Radio Paging, Inc	KKT407
Southern Message Service, Inc.	KKO360
Do	KKQ962
Do	KLB319
Do	KLB681

MARYLAND

The Airpage Co	KGC402
Radio Communications, Inc	KGC230
Do	KGC583
Do	KGC587
Do	KGC598
Do	KGC594

MASSACHUSETTS

Boynton Communications	KCB893
Radio Call	KCB890

MICHIGAN

John W. Bennett	KOP326
Do	KQK772
Mobile Radiophone & Paging Service.	KQK771
Radio Dispatch Service	KQK577
New York Technical Institute of Cincinnati, Inc.	KQC884

MINNESOTA

Page Boy, Inc	KAA887
Do	KAH661
Radio Services	KPJ900

MISSOURI

Anserphone of Kansas City, Inc.	KAF245
Central Mobilphone Service	KPJ899
Ozarks Radio Co	KBM516

MONTANA

Blue Mountain Mobile Phone Co.	KFQ922

NEVADA

Sierra Communications, Inc	KOP244

NEW JERSEY

Page Call, Inc	KEC935
Tra-Mar Radio Communications.	KEJ888

NEW MEXICO

ANSR Corp	KFU897
Do	KLB315
Associated Telephone Answering Service.	KKI452

NEW MEXICO—continued

Licensee	Call sign
Contact of New Mexico	KLB668
El Paso Radiotelephone Co	KLB566
Do	KLB687
Vernon H. Johnson	KKT397
Radio Dispatch Service	KLB513
NEW YORK	
MRN Services, Inc	KED367
Rochester Uni-Call Radio Corp	KEC521
Selective Page	KEK276
Tel-Page Corp	KEC941
NORTH CAROLINA	
Lenoir Communications Co	KIY395
Two-Way Radio of Carolina, Inc	KIY754
Do	KIY755
OHIO	
Anserphone, Inc	KQK773
Carpenter Radio Co	KQK730
Cleveland Mobile Telephone, Inc	KQA646
Do	KQB692
E & J Mobile Radio Service	KFJ887
Miami Valley Radiotelephone	KQK592
Northern Mobile Telephone Co	KQB688
Do	KQB689
Maureen L. Smith	KQC881
OREGON	
Empire Communications Co	KOK331
Pacific Union	KOP256
Do	KUA287
Radio Pocket Page, Inc	KOA796
PENNSYLVANIA	
Altoona Telephone Message Center.	KGC588
Contact	KGC596
K & M Management Co	KGA804
Pennsylvania Radio Telephone Corp.	KGA808
Telephone Answering Service, Inc.	KGA805
SOUTH CAROLINA	
All Services, Inc	KLF484
Myrtle Beach Communications	KIK581
TEXAS	
Autophone of San Antonio	KKJ451
Contact of Texas	KKD284
El Paso Radiotelephone Co	KKE968
Hereford Communications	KOP327
Houston Radiophone Service	KKA344
Mobaphone Dispatch Service Co	KLB330
Mobilfone Communications, Inc	KKX714
Do	KLB498
X. Nady, Jr	KKV688
Do	KLB563
Page A Phone Corp	KFL902
Do	KKG410
Do	KKG562
Do	KLB502
Do	KKX712
PerryTex Communications Co	KLB320
Ratel Communications Co	KFL911
Telephone & Radio Answering Service Co., Inc.	KKE964
Do	KKG411
VIRGINIA	
Bolton's Radiotelephone Service	KIY595
Radio Communications Co., Inc	KIF657
WASHINGTON	
Collins Communications Co	KON918
Telecall	KOA793
Tribune Publishing Co	KOP258
Do	KOP299
WYOMING	
Dome Communications	KLF516

RURAL RADIO SERVICE

5071-C1-P/L-69—South Central Bell Telephone Co.; (New); C.P. for a new rural subscriber station to be located at 12 miles south-southwest of Plaquemine, La., to operate on frequencies 157.86 and 157.89 MHz.

5077-C1-P-69—The Pacific Telephone & Telegraph Co.; (KZI23); C.P. to add frequency 157.89 MHz communicating with station KMA745, El Cerrito, Calif., at station located at Brooks Island, Richmond, Calif.

5239-C1-P-69—Communications Engineering, Inc.; (KXP27); C.P. to replace transmitter operating on 158.49 MHz and add frequencies 158.52 and 158.55 MHz communicating with Station KWA634, Anchorage, Alaska. Subscriber and location: Arctic Oil Tool, Kenai Spur Road, Soldatna, Alaska.

5249-C1-P/ML-69—Pacific Northwest Bell; (KSQ46); C.P. and modification of license to relocate station at 6.5 miles east-northeast of Sumpter, Oreg., operating on frequency 157.86 MHz communicating with Station KOP300, Baker, Oreg.

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

5083-C1-P-69—General Telephone Co. of Florida; (KIY21); C.P. to replace transmitter operating on frequency 6256.5 MHz toward St. Petersburg, Fla. (WLCY-TV studios) and change the antenna system located at 830 Arlington Avenue, St. Petersburg, Fla.

5084-C1-P-69—South Central Bell Telephone Co.; (KIB84); C.P. to add 3810 MHz toward Hokes Bluff, Ala., at station located approximately 1.5 miles southwest of Anniston, Ala.

5085-C1-P-69—South Central Bell Telephone Co.; (KVI26); C.P. to add 3850 MHz toward Coldwater, Ala., and Gadsden, Ala., at station located approximately 3 miles south-southeast of Hokes Bluff, Ala.

5086-C1-P-69—South Central Bell Telephone Co.; (KIX60); C.P. to add 3810 MHz toward Hokes Bluff, Ala., at station located 748 Forrest Avenue, Gadsden, Ala.

5198-C1-P/ML-69—The Pacific Telephone & Telegraph Co.; (KMJ95); C.P. to add 5974 MHz toward Sacramento, Calif. (TV Station KTXL) and change the antenna system at station located at 1407 J Street, Sacramento, Calif.

5199-C1-P-69—American Telephone & Telegraph Co.; (KEE60); C.P. to add 5945.2 and 6123.1 MHz toward Jackie Jones Mountain, N.Y., at station located at 2.5 miles northwest of Colesville, N.J.

5200-C1-P-69—American Telephone & Telegraph Co.; (KEA63); C.P. to add 6197.2 and 6375.2 MHz toward Colesville, N.J., at station located at 5 miles west of Stony Point, N.Y.

5201-C1-P-69—American Telephone & Telegraph Co.; (KEA23); C.P. to add 3710 and 4110 MHz toward New Brunswick, N.J., at 0.3 mile north of Martinsville, N.J.

5202-C1-P-69—American Telephone & Telegraph Co.; (KEM53); C.P. to add 3750 and 4150 MHz toward Martinsville, N.J., at station located at 18 Paterson Street, New Brunswick, N.J.

5242-C1-P-69—Southwestern Bell Telephone Co.; (KKB53); C.P. to replace transmitters operating on frequencies 3730, 3810, and 3890 and add 3970 MHz toward Houston, Tex.; change the antenna system and relocate same to 2.2 miles south-southwest of Spring, Tex.

5243-C1-P-69—Illinois Bell Telephone Co.; (New); C.P. to change frequency from 11,662.5 MHz to 10,755 MHz; change point of communication; replace transmitter and change the antenna system located at 3245 West Arthington, Chicago, Ill.

5244-C1-P-69—Illinois Bell Telephone Co.; (New); C.P. to change frequency from 6037.5 MHz to 11,685 MHz; change point of communication; replace transmitter and change the antenna system located at 8324 North Skokie Boulevard, Skokie, Ill.

American Telephone & Telegraph Co.; Nine (9) C.P.'s to construct initial radio relay channels on a new route and additional radio relay channels on an existing route as follows:

5245-C1-P-69—American Telephone & Telegraph Co.; (KEA77); Add 4070 MHz toward Mount Airy, N.J., at station located at 0.8 mile north of Cherryville, N.J.

5246-C1-P-69—American Telephone & Telegraph Co.; (KYS55); Add 4030 MHz toward Cherryville and Monmouth Junction, N.J., at station located at 1.5 miles southeast of Mount Airy, N.J.

5247-C1-P-69—American Telephone & Telegraph Co.; (KYS56); Add 4070 MHz toward Mount Airy and Navesink, N.J., at station located at 2.2 miles northwest of Monmouth Junction, N.J.

5248-C1-P-69—American Telephone & Telegraph Co.; (KEE54); Add 4030 MHz toward Monmouth Junction, N.J., at station located at 0.5 mile west of Navesink, N.J.

5249-C1-P-69—American Telephone & Telegraph Co.; (KEB47); Add 3950 MHz toward Hempstead, N.Y., and 3710 and 3790 MHz toward Shirley, N.Y., at station located at Plainview, 1.7 miles southwest of Melville, N.Y.

5250-C1-P-69—American Telephone & Telegraph Co.; (KEE50); Add 4070 and 4150 MHz toward Plainview, N.Y., and 3750 and 3830 MHz toward Noyack, N.Y., at station located Shirley, N.Y.

5251-C1-P-69—American Telephone & Telegraph Co.; (KEE51); Add 4030 and 4110 MHz toward Shirley, N.Y., and 3710 and 3790 MHz toward Montville, Conn., at station located at 2 miles south of Noyack, N.Y.

5252-C1-P-69—American Telephone & Telegraph Co.; (KCJ80); Add 3750 and 3830 MHz toward Noyack, N.Y., and 3750 and 3830 MHz toward Green Hill, R.I., at station located at 4.2 miles northwest of Montville, Conn.

5253-C1-P-69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 2.5 miles northeast of Charlestown, R.I., to operate on frequencies 3710 and 3790 MHz toward Montville, Conn.

Major Amendment

4742-C1-P-69—Florida Telephone Corp.; (New): Change geographic coordinates from lat. 28°55'40" N., long. 27°05'00" W., to lat. 28°55'40" N., long. 82°27'08" W. Station location: Beverly Hills, Fla. All other particulars same as reported in public notice dated Feb. 17, 1969, Report No. 427.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

5025-C1-P-69—Mountain Microwave Corp; (New); C.P. for a new station at Terry Peak, 3 miles southwest of Lead, S. Dak., at lat. 44°19'32" N., long. 103°50'08" W. Frequency 5974.8 MHz on azimuth 286°21'.

5026-C1-P-69—Wyoming Microwave Corp.; (KTG49); C.P. to add frequency 11,175 MHz on azimuth 254°42'.

5027-C1-P-69—Wyoming Microwave Corp.; (KTG-48); C.P. to add frequency 11,305 MHz on azimuth 288°14'.

5028-C1-P-69—Wyoming Microwave Corp.; (KPS25); C.P. to add frequency 11,175 MHz on azimuth 263°32'.

5029-C1-P-69—Wyoming Microwave Corp.; (KPS63); C.P. to add frequency 11,305 MHz on azimuth 19°20'.

5030-C1-P-69—Western Microwave, Inc.; (KPV60); C.P. to add frequency 11,175 MHz on azimuth 13°31'. (Informative: Applicants in applications File Nos. 5025-C1-P-69 through 5030-C1-P-69 propose to provide the signal of KBHE-TV of Rapid City, S. Dak., to Montana Video in Billings, Mont.)

5057-C1-P-69—Upper Peninsula Microwave, Inc.; (KYO47); C.P. to add frequency 6086.0 MHz on azimuth 325°09' and 263°30'.

5058-C1-P-69—Upper Peninsula Microwave, Inc.; (KYO48); C.P. to add frequency 6338.1 MHz on azimuth 347°55'. (Informative: Applicant proposes to provide the television signal of WTVS of Detroit, Mich., to Michigan State University at East Lansing, Mich., and to Central Michigan University at Mount Pleasant, Mich.)

5059-C1-P-69—Western Microwave, Inc.; (KPV60); C.P. to power split frequency 6010 MHz on azimuth 199°20'.

5060-C1-P-69—Wyoming Microwave Corp.; (KPS63); C.P. to add frequency 11,015 MHz on azimuth 141°41'.

5061-C1-P-69—Wyoming Microwave Corp.; (KPB65); C.P. to add frequency 11,225 MHz on azimuth 135°05'.

5062-C1-P-69—Wyoming Microwave Corp.; (New); C.P. for a new station at Horse Heaven, 18 miles northwest of Alvoca, Wyo., at lat. 42°42'50" N., long. 107°00'44" W. Frequency 11,015 MHz on azimuth 140°31'.

5063-C-P-69—Wyoming Microwave Corp.; (New); C.P. for a new station at Pine Hill, 19.5 miles north-northwest of Medicine Bow, Wyo., at lat. 42°08'58" N., long. 106°23'04" W. Frequency 11,625 MHz on azimuth 142°04'.

5064-C1-P-69—Wyoming Microwave Corp.; (New); C.P. for a new station at Summit, 8.4 miles southeast of Laramie, Wyo., at lat. 41°14'15" N., long. 105°26'11" W. Frequency 11,015 MHz on azimuth 165°02'.

5065-C1-P-69—Mountain Microwave Corp.; (New); C.P. for a new station at Horsetooth, 6 miles west of Fort Collins, Colo., at lat. 40°34'06" N., long. 105°12'02" W. Frequency 11,625 MHz on azimuth 119°13'. (Informative: Applicants propose in File Nos. 5059 through 5065-C1-P-69 to provide television signal of CJLH-TV of Lethbridge, Canada, to Community Television, Inc., in Sterling, Colo., and Sidney, Nebr., and to Ogallala Community TV Co. in Ogallala, Nebr., and to Multi-Pix, Inc., in Kimball, Nebr.)

5236-C1-ML-69—West Texas Microwave Co.; (KZS71); Modification of license to permit carriage of audio service consisting of KFJZ-FM signal for delivery to Radio Station KIKZ, Seminole, Tex.

Correction

4682-C1-ML-69—Pacific Telstronics, Inc.; (KTG38); This entry, shown in public notice dated Mar. 3, 1969, is corrected to read as follows: Modification of license to (a) change frequencies 5997.1 MHz and 6115.7 MHz to 6026.7 MHz and 6145.3 MHz toward Red Bluff and Horse Mountain, Calif., on azimuths of 143°00' and 288°30', respectively; and (b) change frequency 6115.7 MHz to 6145.3 MHz toward Mount Bradley, Calif., on azimuth of 22°31'. Station location: Shasta Bally, 13 miles west of Redding, Calif.

[F.R. Doc. 69-3057; Filed, Mar. 12, 1969; 8:50 a.m.]

[Mexican List 253]

MEXICAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

FEBRUARY 17, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		580 kilocycles				
XEAV (in operation with 10,000D, 1000N, ND, since 11-4-68).	Guadalajara, Jal.	10,000D/1000N	ND	U	III	11-4-68.
		580 kilocycles				
XEFI (correction of an omission: In operation with 5000D/250N, ND, U, since 8-16-55).	Chihuahua, Chih.	5000D/250N	ND	U	IIID/IVN	8-16-55.
		690 kilocycles				
XEACB (under construction—PN: XEAY).	Cd. Delicias, Chih.	500	ND	U	II	2-13-70 (Probable).
		730 kilocycles				
XEX (synchronous with XEX, Mexico, D.F.) (correction of an omission: In operation since 3-28-63. Temporary operation with 1000W, ND, U).	Veracruz, Ver.	50,000D/10,000N	ND	U	II	5-25-65.
		850 kilocycles				
XEZB (this cancels the notification to increase hours to unlimited included in List No. 235).	Zaragoza, Coah.	1000	ND	D	II	
		960 kilocycles				
XEYJ (this complements the notification included in List No. 252: In operation on 960 kc/s with 1000D/100N, ND, since 12-17-68. See 1500 kc/s).	Nueva Rosita, Coah.	1000D/100N	ND	U	III	12-17-68.
		1080 kilocycles				
XEXL (correction of an omission: In operation on 1020 kc/s with 1000W, ND, D since 1-14-64. This reduces the power notified in List No. 229 of 3-28-63. See 1370 kHz).	Patzcuaro, Mich.	1000	ND	D	II	1-11-64.
		1100 kilocycles				
XEGP (assignment deleted).	Cosamaloapan, Ver.	1000	DA-N	U	II	
		1150 kilocycles				
XERM (in operation with 1000D/500N, DA-N since 12-17-68. Correction to call letters notified in List No. 252).	Mexicali, B.C.	1000D/500N	DA-N	U	III	12-17-68.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		1170 kilocycles				
XEZS (this complements the notification included in List No. 252: Cancel the notification to increase power included in List No. 235. *In operation with 500W, ND, D, since 4-9-60).*	Coatzacoalcos, Ver....	*500D/250N*.....	ND	U	II	*Upon entry into force of new agreement.*
		1190 kilocycles				
XEGJ (new).....	Arriaga, Chis.....	250.....	ND	D	II	2-13-70 (Probable).
		1870 kilocycles				
XERPL (correction of an omission: In operation with 500D/150N, ND, since 11-21-53. Increase in daytime power).	Leon, Gto.....	*1000D/150N*.....	*DA-D*	U	IIID/IVN	10-10-69 (Probable).
		1300 kilocycles				
XEYJ (assignment deleted. See 950 kc/s).	Nueva Rosita, Coah..	1000D/100N.....	ND	U	IV	
		1500 kilocycles				
New.....	Nueva Rosita, Coah..	1000D/100N.....	ND	U	IIID/IVN	2-17-70 (Probable).
		1520 kilocycles				
XEAI (this cancels the notification to increase nighttime power included in List No. 237. Temporary operation with 5000W-D/1000W-N, ND).	Mexico, D. F.....	10,000D/*1000N*..	*ND*	U	III	
		1560 kilocycles				
XEAGV (new).....	Cd. Mendoza, Ver.....	250.....	ND	D	IV	2-13-70 (Probable).
		1570 kilocycles				
XEXL (assignment deleted. See 1020 kc/s).	Paizcuaro, Mich.....	10,000D/100N.....	ND	U	IIID/IVN	
		1400 kilocycles				
XEET (assignment deleted).	Etla, Oax.....	1000D/250N.....	ND	U	IV	
		1470 kilocycles				
XEAY (under construction—change in Daytime class, previously Class IV).	Parras de la Fuente, Coah.	1000D/250N.....	ND	U	*IIID*/IVN	2-13-70 (Probable).
		1490 kilocycles				
XESK (in operation since 1-30-69).	Ruiz, Nay.....	250D/200N.....	ND	U	IV	*1-30-69.*
		1520 kilocycles				
XEVU (previously notified at Villa Union, Sin.).	Mazatlan, Sin.....	500.....	ND	D	II	2-17-70 (Probable).
		1530 kilocycles				
XESD (antenna radiation: 170 mv/m. Antenna height: 141 feet. Number of ground system radials: 90. Length of ground system radials: 129 feet).	Silao, Gto. N. 20°56' 24" W. 101°25'59".	1000D/100N.....	ND	U	II	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-3058; Filed, Mar. 12, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIRST BANKSHARE ASSOCIATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Bankshare Association, Lewiston, Maine, for approval of action to become a bank holding company through the acquisition of not less than 80 percent of the voting shares of First-Manufacturers National Bank of Lewiston and Auburn, Lewiston, Maine, and The Peoples National Bank of Farmington, Farmington, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Bankshare Association, Lewiston, Maine, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of not less than 80 percent of the voting shares of First-Manufacturers National Bank of Lewiston and Auburn, Lewiston, Maine, and The Peoples National Bank of Farmington, Farmington, Maine.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller made no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 23, 1969 (34 F.R., 1089) which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

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

Dated at Washington, D.C., this 3d day of March 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-3016; Filed, Mar. 12, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-585, etc.]

JOSEPH E. SEAGRAM & SONS, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

MARCH 3, 1969.

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

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

The Commission finds: It is in the public interest and consistent with the

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

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

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

Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 21, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-385	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., 1700 One Main Place, Dallas, Tex. 75250, Attention: Mr. Frank Martin.	20	9	Pecos Co. and El Paso Natural Gas Co. (Wilshire Plant, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	$1,481	2-7-69	[2] 3-10-69	8-10-69	14.10	[3] [4] 15.2025	
	do	37	11	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.) (RR. District No. 8) (Permian Basin Area).	385	2-7-69	[2] 3-10-69	8-10-69	10.39	[3] [4] [5] 16.7228	
	do	56	13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	2,009	2-7-69	[2] 3-10-69	8-10-69	13.20	[3] [4] [6] 16.8793	
	do	57	12	do	189	2-7-69	[2] 3-10-69	8-10-69	13.20	[3] [4] [6] 16.8793	
RI69-386	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al.	28	12	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	3,043	2-7-69	[2] 3-10-69	8-10-69	13.93	[3] [4] [6] 16.8793	
	do	40	17	El Paso Natural Gas Co. (Miscellaneous Fields, Lea County, N. Mex.) (Permian Basin Area).	10,520	2-7-69	[2] 3-10-69	8-10-69	13.88	[3] [4] [5] 16.8793	
	do	42	20	do	17,604	2-7-69	[2] 3-10-69	8-10-69	13.44	[3] [4] [5] 16.8793	
	do	43	11	El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	276	2-7-69	[2] 3-10-69	8-10-69	14.12	[3] [4] [5] 16.8793	
	do	44	13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	2,430	2-7-69	[2] 3-10-69	8-10-69	14.23	[3] [4] [6] 16.8793	
	do	58	28	El Paso Natural Gas Co. (Miscellaneous Fields, Lea County, N. Mex.) (Permian Basin Area).	68,631	2-7-69	[2] 3-10-69	8-10-69	14.32	[3] [4] [5] 16.8793	
	do	59	13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	1,261	2-7-69	[2] 3-10-69	8-10-69	14.12	[3] [4] [5] 16.8793	
RI69-387	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	20	[8] 20	El Paso Natural Gas Co. (Wasson Plant, Yoakum County, Tex.) (Permian Basin Area and Railroad District No. 8).	307,421	2-6-69	[7] 3- 9-69	8- 9-69	12.63	[4] [9] 13.753	
RI69-388	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	172	12	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	56	2-6-69	[2] 3-21-69	8-21-69	[10] [11] 18.415	[4] [11] [12] 18.615	RI68-477.
	do	223	7	Natural Gas Pipeline Co. of America (Northwest Dower Field, Beaver County, Okla.) (Panhandle Area).	39	2-6-69	[2] 3-21-69	8-21-69	[10] [13] 18.415	[4] [11] [12] 18.615	RI68-477.
RI69-389	Whitestone Petroleum Corp., 300 Pere Marquette Bldg., New Orleans, La. 70112.	5	2	Panhandle Eastern Pipe Line Co. (Blakemore Area, Beaver County, Okla.) (Panhandle Area).	2,770	2-5-69	[2] 3-15-69	8-15-69	[11] 17.0	[3] [11] 18.0	
RI69-390	Signal Oil & Gas Co., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	18	3	Lone Star Gas Co. (West Marlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	2,304	2-5-69	[7] 3- 8-69	8- 8-69	12.0	[4] [13] 16.8	
RI69-391	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	339	12	Natural Gas Pipeline Co. of America (West Crane and Putnam Fields, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	38,056	2-6-69	[2] 4- 1-69	9- 1-69	[11] [13] 15.097	[11] [14] [15] 16.102	
RI69-392	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attention: Mr. A. M. Mouser.	111	3	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex.) (RR. District No. 4).	311	2-3-69	[2] 3- 6-69	8- 6-69	[11] 15.6	[4] [11] 16.6	RI67-323.
	do	129	4	Natural Gas Pipeline Co. of America (Orangedale Field, Bee and Live Oak Counties, Tex.), (RR. District No. 2).	17,661	2-3-69	[2] 3- 6-69	8- 6-69	[11] [16] 16.0	[4] [11] [16] 17.8	

[1] The stated effective date is the effective date proposed by Respondent.
[2] Increase to current contract rate plus tax reimbursement.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to 0.4467 cent per Mcf deduction for gas that must be compressed.
[5] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] Periodic rate increase.
[8] 15.50 cents base rate plus tax reimbursement of 0.133 cent less quality deductions of 1.88 cents.
[9] For all gas delivered under rate schedule except that added by Supplement No. 16.
[10] Subject to a downward B.t.u. adjustment.
[11] Includes 0.015 cent tax reimbursement.
[12] Favored-nation rate increase.
[13] Pressure base is 14.73 p.s.i.a.
[14] Includes 0.0151 cent tax reimbursement.
[15] "Fractured" rate increase. Contractually entitled to a 18 cent initial contract rate.
[16] Permanently certificated initial "in-line" rate pursuant to Commission Opinion No. 476 issued Sept. 22, 1965, in Dockets Nos. G-16760 et al.

Shell Oil Co. (Operator) et al. (Shell), and Signal Oil and Gas Co. (Signal), request that their proposed rate increases be permitted to become effective on March 7, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided by section 4(d) of the Natural Gas Act to permit earlier effective dates for Shell and Signal's rate filings and such requests are denied.

Nine of the proposed rate increases filed by Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., and Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al. (both referred to herein as Seagram), reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filing proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to their rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–2939; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. RI69–593 etc.]

SOHIO PETROLEUM CO. ET AL.

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

MARCH 3, 1969.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 21, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–593	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102, Attention: Gas-Gasoline Division.	140	3	Phillips Petroleum Co.[3] (West Panhandle Field, Hutchinson County, Tex.) (RR. District No. 10).	$98	2-6-69	[4] 3-9-69	[5] 3-10-69	[6] 13.0	[6][7] 14.0	
	do	141	3	do[3]	33	2-6-69	[4] 3-9-69	[5] 3-10-69	[6] 13.0	[6][7] 14.0	
	do	147	4	do[3]	294	2-6-69	[4] 3-9-69	[5] 3-10-69	[6] 13.0	[6][7] 14.0	
RI69–594	Sohio Petroleum Co. (Operator) et al.	148	3	do[3]	791	2-6-69	[4] 3-9-69	[5] 3-10-69	[6] 13.0	[6][7] 14.0	
RI69–595	Sun Oil Co. (DX Division), 907 South Detroit Ave., Tulsa, Okla. 74120.	[8] 245	2	Arkansas Louisiana Gas Co. (North Enid, Garfield County, Okla.) (Oklahoma "Other" Area).	572	2-10-69	[4] 4-13-69	[4] 4-14-69	12.0	[7][9] 13.015	

[3] It cannot be determined to which of Phillips' plants in the area the gas involved is dedicated. Phillips resells the residue gas from such plants to interstate pipeline companies at resale rates which are in effect subject to refund.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Sweet gas rate. Buyer deducts 0.4466 cent if gas is sour.
[9] The stated effective date is the effective date requested by Respondent.
[10] Basic contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61–1, and the proposed rate does not exceed the area initial rate ceiling of 15 cents per Mcf.
[11] Includes 0.015 cent tax reimbursement.

Sohio Petroleum Co. (Sohio) requests that Supplement No. 3 to its FPC Gas Rate Schedule No. 140 be permitted to become effective on March 8, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Sohio's aforementioned rate filing and such request is denied.

Sohio and Sohio Petroleum Co. (Operator) et al. (both referred to herein as Sohio), proposed rate increases from 13 cents to 14 cents per Mcf for wellhead sales of natural gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas for resale to interstate pipeline companies at rates which are in effect subject to refund. Sohio's proposed rates exceed the area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61–1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Sohio's rate increases should be suspended for 1 day from March 9, 1969, the proposed effective date, and the expiration of the statutory notice for Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 140.

The contract related to the rate filing of Sun Oil Co., DX Division (Sun) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rate of 13.015 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area, but does not exceed the initial service ceiling established for the area involved. We believe, in this situation, Sun's proposed rate filing should be suspended for 1 day from April 13, 1969, the proposed effective date.

[F.R. Doc. 69–2940; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. RI69–500]

BRAMMER ENGINEERING, INC., ET AL.

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

FEBRUARY 27, 1969.

In the order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund, issued January 30, 1969, and published in the FEDERAL REGISTER February 8, 1969, 34 F.R. 1919: After "Brammer Engineering, Inc." in caption, add the word "Agent."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–3010; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. RI66–398]

CITIES SERVICE OIL CO. ET AL.

Order Making Successor Co-respondent, Redesignating Proceeding, Requiring Filing of Surety Bond

MARCH 4, 1969.

Cities Service Oil Co. (Operator) et al., The Ohio Fuel Supply Co., Frederic C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd., and Mallonee-Mahoney, Inc., agent.

By order of May 31, 1968, in Docket No. G–4579 et al., the Commission issued a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Mallonee-Mahoney, Inc., agent, in Docket No. CI68–1184 to continue in part the sale of natural gas to Northern Natural Gas Co. from the Evalyn Field, Seward County, Kans., theretofore authorized in Docket No. G–4579 to be made pursuant to Cities Service Oil Co. (Operator) et al., FPC Gas Rate Schedules Nos. 167 and 168. The contract comprising said rate schedules was also accepted for filing as Mallonee-Mahoney's FPC Gas Rate Schedule No. 1. The presently effective rate under Cities Service's rate schedules are in effect subject to refund in Docket No. RI66–398. Therefore, Mallonee-Mahoney will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Mallonee-Mahoney will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission orders:

(A) Mallonee-Mahoney, Inc., agent, is made a correspondent in the proceeding pending in Docket No. RI66–398 and the proceeding is redesignated accordingly.

(B) Within 30 days from the issuance of this order, Mallonee-Mahoney shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond for $14,400 in Docket No. RI66–398 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. The bond shall be accompanied by a certificate to the effect that no obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(C) Mallonee-Mahoney shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by Mallonee-Mahoney in Docket No. RI66–398 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas (Name of Respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $_____, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. _____ not justified;

Now, therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators[1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. _____, (Name of Respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. _____, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this _____ day of _____.

Attest:

_____ By_____
Principal

By_____
Surety

[F.R. Doc. 69–3011; Filed, Mar. 12, 1969; 8:45 a.m.]

---

[1] To be included if a noncorporate respondent.

[Docket No. G-3173, etc.]

HUSKY OIL COMPANY OF DELAWARE

Notice of Change in Name

Husky Oil Company of Delaware (formerly Husky Oil Co.); G-3173, G-8052, G-8053, G-17254, G-17780, G-19722, CI61—186, CI61-1139, CI61-1140, CI61-1574, CI62-414, CI64-1097, CI65-97, CS66-33.

MARCH 4, 1969.

Take notice that on February 6, 1969, Husky Oil Company of Delaware, Post Office Box 380, Cody, Wyo. 82414, filed in Dockets Nos. G-3173 et al., a notice of change in name to advise the Commission that its corporate name has been changed from Husky Oil Co. to Husky Oil Company of Delaware, effective September 3, 1968, all as more fully set forth in the notice of change which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3012; Filed, Mar. 12, 1969; 8:45 a.m.]

[Project No. 2687]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for License for Constructed Project

MARCH 5, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Co. (correspondence to: J. F. Roberts, Jr., Vice President, Pacific Gas and Electric Co., 245 Market Street, San Francisco, Calif. 94106) for constructed Project No. 2687, known as Pit 1 Project, located on Tule River, Little Tule River, Fall River, and Pit River, in Shasta County, Calif., near the communities of Fall River Mills, Glenburn, and McArthur.

The existing Pit 1 Project No. 2687 consists of: (1) An earth-fill dam, 0.9 of a mile upstream from the confluence of Fall River and Pit River, 520 feet long with a maximum height of 40 feet at elevation 3,309.8 feet (USGS datum) with a concrete spillway at the right abutment with two gates 22.5 feet wide and 15 feet high and crest elevation 3,289.8 feet (USGS); (2) a forebay, created by the dam, having usable storage of 600-acre-feet at maximum elevation 3,303.8 feet (USGS); (3) a concrete diversion dam, 1.6 miles upstream of the forebay dam, about 15 feet high and 595 feet long with crest at elevation 3,305.1 feet (USGS) with a spillway structure at the left end with three gates, each 20 feet wide and 11.5 feet high with crest elevation 3,293.8 feet (USGS); (4) two canal intakes (No. 1 upstream of the diversion dam and No. 2 downstream from it) converging into one canal leading to the tunnel intake, about 1,000 feet from the canal intakes; (5) canals known as the McArthur Diversion canal, Old Lee Springs Drainage canal, and North Drainage canal; (6) a concrete-lined tunnel, about 10,070 feet long, from the intake canal to the penstocks; (7) two steel penstocks, each about 1,372 feet in length, leading from the tunnel to the powerhouse; (8) a powerhouse (having a connecting switch house, office, and storage structure) housing two 31,500 kw. generators; (9) six 16,667 kva, single phase, 60 cycle, water cooled, outdoor type transformers; (10) two short 230 kv. three conductor transmission line taps and two short 60 kv. three conductor transmission line taps connecting to applicant's interconnected transmission system; (11) existing recreational development consisting of four improved recreational sites in or near the Pit 1 Project area: (a) Big Lake Fishing and Hunting Access developed by Applicant provides parking, sanitary facilities and a public launching area for cartop boats; (b) a 6-unit picnic area operated by Falls River Lion's Club near Pit 1 Power Plant; (c) a public trap shooting range operated by Fall River Valley Gun Club near the forebay; and (d) a vista point overlooking Pit River Falls developed by California Division of Highways on Highway 299 about 1 mile east of the power plant; and proposed recreational development consisting of two sites planned for future recreation development and one under study; and (12) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3013; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. CP69-227]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 4, 1969.

Take notice that on February 25, 1969, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP69-227 an application pursuant to section 7(c) of the National Gas Act for a certificate of public convenience and necessity authorizing it to develop and operate the Midland Gas Field, Muhlenberg County, Ky., as a gas storage field, and to construct and operate certain facilities associated therewith, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant estimates cost for the development of the field and associated facilities at $10,726,800.

Applicant states that the load factors of its General Service Customers have increased and the additional annual volumes associated therewith can be met through the utilization of the Midland Field as storage facility.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 31, 1969.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3014; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. E-7073]

TRICO ELECTRIC COOPERATIVE, INC.

Notice of Application

MARCH 5, 1969.

Take notice that on January 30, 1969 Trico Electric Cooperative, Inc. (Trico), incorporated under the laws of the State of Arizona, with its principal place of business at Tucson, Ariz., filed an application in the above docket for a supplemental order, pursuant to section 202(e) of the Federal Power Act, modifying Trico's current authorization to transmit electric energy from the United States to Mexico.

By Commission order issued April 16, 1963 (29 FPC 749), Trico was authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 200,000 kilowatt-hours per year at a transmission rate not to exceed 40 kilowatts for sale and delivery to Comision Federal de Electricidad, Division Noroeste (Comision Federal), an agency of the Mexican Government, over certain facilities of Trico covered by its Permit signed by the Chairman of the Federal Power Commission on April 10, 1963, all in the above docket.

Trico now requests that the authorization granted by Commission order issued April 16, 1963, referred to above, be modified so as to authorize Trico to export electric energy in an amount not in excess of 300,000 kilowatt-hours per year to Comision Federal at a transmission rate not to exceed 100 kilowatts over the above-mentioned facilities for the purpose of meeting the increasing electric service requirements of Comision Federal's customers in Sasabe, Sonora, Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3015; Filed, Mar. 12, 1969; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Reg. F-43]

SECRETARY OF DEFENSE

Delegation of Authority

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

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

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Service Commission of the State of Montana in a proceeding involving natural gas service rates of Great Falls Gas Co. (Montana PSC Docket No. 5810).

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

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

Dated: March 7, 1969.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 69-3018; Filed, Mar. 12, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4719]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Issue and Sale of Commercial Paper and Notes to Banks

MARCH 7, 1969.

Notice is hereby given that The Connecticut Light and Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities ("Northeast"), a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

CL&P presently has outstanding $2,500,000 of short-term bank notes and expects to issue up to $12 million of additional bank notes or commercial paper notes prior to April 1, 1969, pursuant to section 6(b) of the Act. CL&P proposes to renew and extend any notes so issued or to refund them with other similar notes issued to banks or to a dealer in commercial paper and to issue and sell up to an additional $39,500,000 of short-term notes (and to renew such notes) from time to time to meet portions of its capital requirements. The aggregate amount of all such notes at any one time outstanding, including both notes issued prior to April 1, 1969, and those thereafter issued, will at no time exceed $54 million. As such notes mature, they may be renewed or repaid out of any funds then available to CL&P including funds derived from the sale of other notes to banks and/or to a dealer in commercial paper.

The funds to be derived from the issuance and sale of the notes will be applied to finance construction expenditures, to pay nuclear fuel costs, and to supply funds for investment in regional nuclear generating companies. These expenditures for the years 1969 and 1970 are estimated to be approximately as follows:

	1969	1970
Construction expenditures	$85,600,000	$100,600,000
Nuclear fuel costs	3,400,000	700,000
Investments in regional nuclear generating companies (i.e., Maine Yankee Atomic Power Co. and Vermont Yankee Nuclear Power Corp.)	2,000,000	1,900,000

The commercial paper will be issued in the form of promissory notes with no maturity more than 270 days after the date of issue, and will be sold at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers thereof to commercial paper dealers. No commercial paper shall be issued having a maturity of more than 90 days after March 31, 1970 or which has an effective interest cost to the company in excess of the prime commercial bank rate at which CL&P could obtain loans from banks. The purchasing dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of not more than one-eighth of 1 percent per annum less than the prevailing discount rate to CL&P, in such manner as not to constitute a public offering. The commercial paper notes will be reoffered to no more than 100 identified and designated customers in a list (nonpublic) which has been filed with the Commission, and no additions will be made to this list.

The notes to be issued and sold to banks will mature not later than 6 months after the date of issue or renewal, will bear interest at the prime rate in effect at the lending bank on the date of issue, will be issued no later than March 31, 1970, and will be subject to prepayment at any time without premium.

CL&P will not effect any borrowings from banks pursuant to this application-declaration until it shall have filed an amendment thereto setting forth the name or names of the banks from which such borrowings are to be effected and such amendments shall have been granted by order of this Commission.

CL&P expects to retire the bank notes and commercial paper prior to March 31, 1970, from the net proceeds of the sale of additional first mortgage bonds and/or preferred stock and other securities. In the event the company effects any permanent financing prior to the repayment of all bank notes and commercial paper outstanding pursuant to this application-declaration, as amended, it expects to apply the net proceeds of such permanent financing in reduction of such notes.

CL&P requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. The company states that it is not practicable to invite competitive bids for commercial paper and that current rates of commercial paper of prime borrowers such as CL&P are pubished daily in financial publications. CL&P also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions will not exceed $500 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 28, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest,

the reasons for such request, and the issues of fact or law raised by the application-declaration, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate (should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-3033; Filed, Mar. 12, 1969; 8:47 a.m.]

CRESTLINE URANIUM & MINING CO.

Order Suspending Trading

MARCH 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining Co., Denver, Colo., 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 8, 1969, through March 17, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-3035; Filed, Mar. 12, 1969; 8:48 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

MARCH 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima 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 8, 1969, through March 17, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-3036; Filed, Mar. 12, 1969; 8:48 a.m.]

[70-4722]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealers in Commercial Paper and Exemption From Competitive Bidding

MARCH 7, 1969.

Notice is hereby given that Indiana & Michigan Electric Co. ("Indiana"), 2101 Spy Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Indiana requests that from the date of the granting of this application to December 31, 1969, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to exceed 5 percent of the principal amount, par value, and/or fair market value of the other securities of Indiana at the time outstanding. Indiana proposes, under said exemption, to issue and sell, from time to time prior to December 31, 1969, short-term notes to banks and/or to dealers in commercial paper in an aggregate face amount of not to exceed $36 million to be outstanding at any one time. The proceeds from the proposed notes, including the commercial paper notes, will be used by Indiana to reimburse its treasury for past expenditures in connection with its construction program, to pay part of the cost of its future construction program, which is estimated to cost approximately $102 million in the year 1969, and for other corporate purposes. It is stated that Indiana will retire any notes payable to banks and commercial paper outstanding on or about December 31, 1969, with the proceeds of long-term financing and by the use of such other cash resources as are then available to it.

Each note payable to a bank to be issued by Indiana will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance. Each such note will bear interest at the prime rate of commercial banks at the time of issuance and will be prepayable at any time without penalty. Indiana will not effect any borrowings from banks pursuant to this application until it shall have filed a posteffective amendment thereto setting forth the name or names of the banks from which such borrowing is to be effected and such posteffective amendment shall have been granted by further order of the Commission.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $100,000 nor more than $5 million and of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes will be sold directly to two dealers, the names of which are to be supplied by amendment, at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. No commercial paper notes will be issued having a maturity more than 90 days after December 31, 1969, at a discount rate which exceeds the prime rate at which Indiana could borrow from banks. Each of the two dealers will reoffer the commercial paper notes to not more than 100 of its customers identified and designated in a list (nonpublic) prepared by it in advance. It is expected that Indiana's commercial paper notes will be held by each dealer's customers to maturity, but, if they wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

Indiana requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. The company states that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Indiana are published daily in financial publications. Applicant also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated at approximately $700. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 28, 1969, request in writing that a hearing be held on such matter, stating

the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will recieve 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. 69-3034; Filed, Mar. 12, 1969; 8:47 a.m.]

[70-4661]

OHIO EDISON CO.

Notice of Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

MARCH 7, 1969.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to section 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated September 11, 1968 (Holding Company Act Release No. 16157), the Commission authorized Ohio Edison to issue and sell its promissory notes to banks from time to time in an aggregate principal amount outstanding at any one time of not more than $40 million and maturing not later than March 31, 1969.

Ohio Edison now proposes that (a) the maturity date of such promissory notes be extended to June 30, 1969, and (b) the aggregate principal amount of such promissory notes that may be outstanding at any one time be increased to $45 million.

As noted in the previous order, Ohio Edison expects to receive from The Cleveland Electric Illuminating Co., pursuant to a joint power development arrangement, a deposit now estimated at $38 million when Ohio Edison's W. H. Sammis generating station is placed in commercial operation. It is stated that completion of that plant has been delayed and that, when it is placed in operation, Ohio Edison will apply the deposit to the payment of the outstanding notes to banks. Upon the application of such funds to the payment of the bank notes, the borrowing authority to be obtained hereunder in excess of that amount provided by the first sentence of section 6(b) will terminate.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 27, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-3037; Filed, Mar. 12, 1969; 8:48 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

MARCH 7, 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 March 10, 1969, through March 19, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-3038; Filed, Mar. 12, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1276]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 7, 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 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

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

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 1805 (Sub-No. 2), filed February 17, 1969. Applicant: DALE NEWELL, doing business as NEWELL TRUCK LINE, R.F.D. No. 1, Wakefield, Kans. 67487. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, fertilizer, and twine*, from Kansas City, St. Joseph, and Joplin, Mo., to Wakefield, Kans., and points within 25 miles of Wakefield, Kans. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., Kansas City, Mo., or Wichita, Kans.

No. MC 4405 (Sub-No. 464), filed February 9, 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 operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, accessories and parts*, from the plantsite of Acme-Wiley Corp., Elk Grove Village, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicating authority is sought. It further 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 14702 (Sub-No. 26), filed February 10, 1969. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum*, between Fairmont, W. Va., on the one hand, and, on the other, points in the United States, excluding Alaska and Hawaii. NOTE: Applicant states it would connect with its existing authority at Fairmont, W. Va., and permit service between Warren, Ohio, and Oswego, N.Y., on the one hand, and, on the other, the territory requested. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22214 (Sub-No. 17), filed February 24, 1969. Applicant: ACCELERATED TRANSPORT-PONY EXPRESS, INC., Fifth and Vine Streets, Sunbury, Pa. 17801. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. 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., Huntington Alloy Products Division, at or near Burnaugh, Boyd County, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31564 (Sub-No. 5), filed February 18, 1969. Applicant: FRANK CORSO, INC., 270 Woodin Street, Hamden, Conn. 06514. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Fall River, Mass., and Providence, R.I., to Hartford, New Britain, New London, and Torrington, Conn., and Springfield, Mass. 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 Hartford, Conn., or New York, N.Y.

No. MC 31600 (Sub-No. 639) (Correction), filed February 3, 1969, published in FEDERAL REGISTER issue of February 27, 1969, and republished as corrected, this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Starch*, in bulk, in tank or hopper-type vehicles, from Houlton, Maine to Pittsburgh, Pa., (2) *corn starch*, in bulk, in tank or hopper-type vehicles, from Boston, Mass., to points in Maine, (3) *alum* in bulk, from the plantsite of Holland Co., Inc., in Adams, Mass., to points in Connecticut (except Manchester, Versailles, and Windsor Locks) and to Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and *sodium aluminate and rosin sizing*, in bulk, from the plantsite of Holland Co., Inc., in Adams, Mass., to points in Connecticut, Maine, Masachusetts, New Hampshire, New York, Rhode Island, and Vermont, restricted to traffic originating at the above-named plantsite and destined to points in the above named destination States and (4) *clay*, dry, in bulk, in tank or hopper-type vehicles from Paulsboro, N.J., to Alma, Mich. NOTE: Common control may be involved. Applicant states no duplicating authority is being sought. The purpose of this republication is to show in Part (4) to Alma, Mich., in lieu of at Alama, Mich., which was erroneously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 295), filed February 13, 1969. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of R. R. Donnelley & Sons Co., near the intersection of Illinois Highway 47 and U.S. Highway 66, near Dwight, Ill., as an off-route point in connection with applicant's regular route operations between Chicago, Ill., and St. Louis, Mo., over U.S. Highway 66 and between Peoria, Ill., and the Indiana-Ohio State line over U.S. Highway 24, as authorized in certificate MC 35628. NOTE: Applicant indicates tacking at the nearest point on U.S. Highways 66 and 24, with service to and from all authorized points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 51146 (Sub-No. 126), filed February 24, 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, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products; products produced or distributed by manufacturer and converters of paper and paper products*, from Eau Claire, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, North Carolina, Ohio, Oklahoma,

Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *Materials and supplies*, used in the manufacture and distribution of the above-described commodities, also returned and rejected shipments, from the above destination States to Eau Claire, Wis. NOTE: Applicant states that the primary purpose of the instant application is not to allow tacking. This would be done only as an incidental part of operations if need arises in the future. This could be done under many of applicant's pending and present subs. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 111) (Amendment), filed January 26, 1969, published in FEDERAL REGISTER issue February 20, 1969, amended February 28, 1969, and republished as amended, this issue. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 Carrier Certificates*, 61 M.C.C. 209 and 733 (except hides and commodities in bulk) and *foodstuffs* when moving in the same vehicle with meats and meat products, (a) from Austin, Minn., Fremont, Nebr., Des Moines, and Fort Dodge, Iowa, to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouse facilities of Geo. A. Hormel & Co. at Austin, Minn., Fort Dodge, Iowa, Fremont, Nebr., and I. D. Packing Co. at Des Moines, Iowa, and destined to indicated destination points, (b) from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co. at Austin, Minn., to points in the Lower Peninsula of Michigan, and (2) *foodstuffs* when moving in the same vehicle with meats and meat products, (a) from Austin, Minn., Des Moines and Fort Dodge, Iowa, to Louisville, Ky., and points in Indiana and Ohio, (b) from Des Moines and Fort Dodge, Iowa, to points in that part of Michigan, on, south and west of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Flint, Mich., and thence along Michigan Highway 21 to Port Huron, Mich., and (c) from the plantsite and/or storage facilities of Geo. A. Hormel & Co. at Fremont, Nebr., to points in Indiana, Ohio, the Lower Peninsula of Michigan and Louisville, Ky. NOTE: The purpose of this republication is to change the commodity description in (1) above and add (1b) and (2) broadening the scope of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 52460 (Sub-No. 100), filed February 20, 1969. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. 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: *Ammonium nitrate*, dry; *fertilizer compounds*, dry; *fertilizer materials*, dry; and *blends thereof*, in bulk and in containers, from Beaumont, Tex., to points in Alabama, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Houston or Dallas, Tex.

No. MC 64932 (Sub-No. 467), filed February 6, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. 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: *Processed clay*, in bulk, in pneumatic trailers, from the plantsite of Houdry Process & Chemical Co., Division of Air Products and Chemicals, Inc., at Paulsboro, N.J., to points in Delaware, Michigan, Ohio, and Pennsylvania. 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 65475 (Sub-No. 9), filed February 18, 1969. Applicant: JETCO, INC., 4701 Wheeler Avenue, Alexandria, Va. Applicant's representative: J. G. Dail, Jr., 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Alaska and Hawaii); and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it holds authority under MC 65475 for contractors' machinery, tools, and equipment, and heavy machinery, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia. 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 Washington, D.C.

No. MC 65626 (Sub-No. 23), filed February 24, 1969. Applicant: FREDONIA EXPRESS, INC., Post Office Box 222, 316 Eagle Street, Fredonia, N.Y. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Chautauqua County, N.Y., to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. 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 Buffalo, N.Y.

No. MC 69036 (Sub-No. 8), filed February 6, 1969. Applicant: REVELL TRANSIT LINES, INC., Shenandoah, Iowa. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Box 68501, Lincoln, Nebr. 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, commodities in bulk, and those requiring special equipment), serving points in Missouri on or west of U.S. Highway 169 and on or north of U.S. Highway 36 as off-route points in connection with applicant's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rockport, Mo.

No. MC 83539 (Sub-No. 239), filed February 24, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222 and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *self propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported by trailers, (a) between points in Wyoming, Colorado, Montana, North Dakota, and South Dakota, and (b) between points in Utah, Colorado, Montana, and Wyoming. NOTE: Applicant proposes to tack the authority sought herein at common points with presently held authority in the States of Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Mississippi, Minnesota, Michigan, Missouri, Montana, New Mexico, North Dakota, New Jersey, New York, North Carolina, Oklahoma, Ohio, Oregon, Pennsylvania, Nebraska, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia,

Wisconsin, Wyoming, and Washington. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 88203 (Sub-No. 3), filed February 17, 1969. Applicant: OTIS WRIGHT & SONS, INC., Post Office Box 817, Lima, Ohio. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Lima, Ohio, to Chicago, Ill., Fort Wayne and Indianapolis, Ind., Detroit and Grand Rapids, Mich., and Pittsburgh and Sharon, Pa., under a continuing contract with Lima Iron & Metal Co., Inc., Lima, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 97006 (Sub-No. 10), filed February 27, 1969. Applicant: HOWARD'S EXPRESS, INC., East North Street, Geneva, 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: *Salt and salt products*, and, when transported in mixed or consolidated shipments with salt and salt products, *pepper* in packages; *animal and poultry feed; medicinal additives, and food ingredients; food products* used or dealt in by food processors, wholesale grocers, institutional supply houses and institutions; and *products* used in the water treatment industry, from Silver Springs, N.Y., to points in Bergen, Passaic, Sussex, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Hunterdon, Monmouth, and Ocean Counties, N.J., and New York, N.Y., restricted against the transportation of commodities in bulk. 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 New York, N.Y.

No. MC 97825 (Sub-No. 4), filed February 18, 1969. Applicant: LOUISIANA MIDLAND TRANSPORT COMPANY, INC., 3679 Florida Street, Post Office Box 66393, Baton Rouge, La. 70806. Applicant's representative: Carlos G. Spaht or James M. Field, 500 Laurel Street, Union Federal Building, Baton Rouge, La. 70802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in packages and in bulk in tank or other bulk-type carrying vehicles, from Anchorage, La. (which is approximately 2 miles west of the Mississippi River across from the city of Baton Rouge) to points within the following enumerated Louisiana Parishes, West Baton Rouge, East Baton Rouge, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, Livingston, St. John the Baptist, north of U.S. Highway 90 and Louisiana Highway 1, St. James, Ascension, Assumption, St. Mary, Iberia, St. Martin, Lafayette, St. Landry, Pointe Coupee, West Feliciana, and Iberville, restricted to ex-rail traffic having a prior movement by rail from Selma (Jefferson County) Mo. 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 Baton Rouge or New Orleans, La.

No. MC 99213 (Sub-No. 12), filed February 12, 1969. Applicant: VIRGINIA FREIGHT LINES, a corporation, Kilmarnock, Va. 22482. Applicant's representative: Jno. C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish products and boat and factory equipment*, between plant and warehouse sites of Haynie Products, Inc., located at or near Cape Charles and Reedville, Va., Morehead City, N.C., Baltimore, Md., Wildwood, N.J., and Moss Point, Miss. 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., or Richmond, Va.

No. MC 103051 (Sub-No. 228), 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: *Animal food and animal food supplements*, in bulk, in tank vehicles, from Bainbridge, Ga., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. 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 103993 (Sub-No. 376), filed February 17, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, from points in Jefferson County, W. Va., to points in the United States (excepting Alaska and Hawaii, Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, 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 Washington, D.C.

No. MC 106398 (Sub-No. 391), filed February 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections on wheeled undercarriages with hitchball connector*, in initial movements, from points in Livingston County, N.Y., 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 Buffalo, N.Y.

No. MC 106644 (Sub-No. 95) (Clarification), filed January 28, 1969, published in FEDERAL REGISTER issue of February 13, 1969, and republished this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Hawaii and Alaska) and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). NOTE: The purpose of this republication is to show (b) above to reflect a change in territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 366), filed February 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Port Birmingham (Birmingport), Ala., to points in Alabama, Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the authority sought herein could be tacked or combined at Blytheville, Ark., Meridian, Miss., Barfield, Ark., Phillips County, Ark., and Vicksburg, Miss., for the purpose of performing a through service to points in Georgia and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 107010 (Sub-No. 38), filed February 6, 1969. Applicant: BULK CARRIERS, INC., Box 106, Auburn, Nebr. 68305. Applicant's representative: J. Max Harding, 605 South 14th, 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 107295 (Sub-No. 169), filed February 17, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 391 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panels and insulation; pontoons and accessories*, from Columbus, Ohio, to points in the United States (except Hawaii and Ohio). NOTE: Applicant states it will tack with its presently held authority MC 107295, where feasible. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 170), filed February 17, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill., also Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural floor supports and accessories*, from Seville, Ohio, to points in Minnesota, Colorado, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. NOTE: Applicant states that it intends to tack with its present authority in MC 107295, where feasible. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 107348 (Sub-No. 5), filed February 5, 1969. Applicant: DON A. SIMMONS, doing business as A & F MOTOR LINE, 151 South Taylor Street, Post Office Box 244, Ashdown, Ark. 71822. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. 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 in tank vehicles, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Texarkana, Ark.-Tex., and Clarksville, Tex., over U.S. Highway 82, and return over the same route, serving all intermediate points, except Red River Arsenal and Lone Star Ordnance Depot, near Hooks, Tex.; (2) between New Boston, Tex., and Cross Roads, Ark.: From New Boston over Texas Highway 8 to junction Arkansas Highway 41, thence over Arkansas Highway 41 to Cross Roads, Ark., and return over the same route, serving all intermediate points; (3) between Cross Roads, Ark., and Wilton, Ark., over Arkansas Highway 234, and return over the same route, serving all intermediate points; (4) between Texarkana, Ark.-Tex., and Hope, Ark., over U.S. Highway 67, and return over the same route, serving all intermediate points; (5) between Mineral Springs, Ark., and Fulton, Ark., over Arkansas Highway 355, and return over the same route, serving all intermediate points; and (6) between Millwood Dam Site and Junction Arkansas Highway 355: from Millwood Dam Site over Arkansas Highway 355, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Texarkana, Ark.-Tex., Shreveport, La., or Little Rock, Ark.

No. MC 107515 (Sub-No. 640), filed February 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Sherman, Tex., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Louisiana. 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., or Atlanta, Ga.

No. MC 107871 (Sub-No. 58) (Clarification), filed July 15, 1968, published FEDERAL REGISTER issue of August 1, 1968, and republished this issue. Applicant: BONDED FREIGHTWAYS INC., 441 Kirkpatrick Street West, Syracuse, N.Y. 13204. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement* in bulk, in a coordinated rail-motor service, from the Flexi-Flo rail-motor interchange terminals of the Pennsylvania New York Central Transportation Co. at or near Syracuse and Rochester, N.Y., to points in New York. NOTE: The purpose of this republication is to specifically name where the Flexi-Flo rail-motor interchange terminals are located in New York. If a hearing is deemed necessary, applicant requests it be held at Syracuse or New York, N.Y., or Washington, D.C.

No. MC 108449 (Sub-No. 295), filed February 24, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703, and W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, serving Albion and South Milford, Ind., as off-route points in connection with carrier's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 108676 (Sub-No. 25), filed February 17, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, precast, and prestressed, from Knoxville, Tenn., to points in Alabama, Georgia, Kentucky, Virginia, Ohio, North Carolina, and West Virginia. NOTE: Applicant states it presently holds authority in MC 108676 Sub 19 to transport the involved commodities, from Nashville, Tenn., to portions of Alabama, Georgia, Kentucky, and Virginia. 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 Knoxville, Tenn.

No. MC 109449 (Sub-No. 13), filed February 11, 1969. Applicant: KUJAK BROS. TRANSFER, INC., 352 Junction Street, Winona, Minn. 55987. 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: *Salt*, in bulk, from Winona, Minn., to points in Illinois, Iowa, and Wisconsin. 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.

No. MC 109638 (Sub-No. 21), filed February 10, 1969. Applicant: WOODROW EVERETTE, doing business as EVERETTE TRUCK LINE, Post Office Box 145, Washington, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Beaufort, Martin, Hyde, and Washington Counties, N.C., to points in Pennsylvania, west of U.S. Highway 15; (2) *lumber*, from points in Craven, Jones, Onslow, Pender, Carteret, and New Hanover Counties, N.C., to points in Virginia, Maryland, Pennsylvania, and the District of Columbia; and (3) *lumber* (except plywood and veneer), from Lewiston, N.C., and points within 5 miles thereof to points in Virginia, Maryland, Pennsylvania, 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 Raleigh, N.C., or Washington, D.C.

No. MC 110098 (Sub-No. 97), filed February 7, 1969. Applicant: ZERO REFRIGERATED LINES, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. 78207. 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: *Foodstuffs, cleaning compounds, bleach, textile softeners* (except commodities in bulk, in tank vehicles, equipped with mechanical refrigeration from Sunnyvale, Calif., to points in Oregon and Washington. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or San Antonio, Tex.

No. MC 110420 (Sub-No. 578), filed February 14, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fatty acid products, detergents, surfactants, washing compounds, and liquid chemicals*, from Janesville, Wis., to points in Georgia. 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 Madison, Wis., or Chicago, Ill.

No. MC 110525 (Sub-No. 893) (Amendment), filed January 21, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished, as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, from the plantsite of the E. I. du Pont de Nemours & Co., at or near Woodstock, Tenn., to points in Minnesota, Nebraska, and Wisconsin. NOTE: The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 67), filed February 13, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and to Charleston, W. Va., Taft, La., and Texas City, Tex. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111545 (Sub-No. 116), filed February 24, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment or special handling by reason of size of weight; *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; *ordnance equipment, materials, and supplies; quartermaster supplies; and blasting supplies, explosives, and other dangerous articles* as defined in the Department of Transportation regulations governing the transportation of explosives and other dangerous articles, between points in the United States on and east of a line formed by the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 117), filed February 24, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and *buildings in sections mounted on wheeled undercarriages;* (1) from points in Holmes County, Miss., to points in the United States (except Alaska and Hawaii); and (2) from points in Sumner County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking could occur at the origins here applied from, in conjunction with its presently held authority, whereas it is authorized to operate in Indiana, Michigan, Alabama, Georgia, South Carolina, Kentucky, Ohio, Illinois, Tennessee, Louisiana, Mississippi, Florida, Arkansas, Delaware, Missouri, North Carolina, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 111785 (Sub-No. 41) (Correction), filed February 19, 1969, published FEDERAL REGISTER, issue of March 6, 1969, and republished as corrected this issue. 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 it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this correction is to correct the note regarding tacking information. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 27), filed February 12, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, aluminum and aluminum articles*; (a) from points in Jefferson County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin; (b) from points in Barbour County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; and (2) *truck cabs*, from points in Jefferson County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the authority sought herein can be joined with applicant's existing "size and weight" authority in MC 112304 (Sub-No. 1) and "guard rail" authority in (Sub-No. 11) with joinder tacking place at any point in Jefferson County, Ky., Applicant also states tacking possibilities with its existing authority under (Sub-No. 7). The additional territory that could be served through such joinder includes points in the states of Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, New York, New Jersey, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 94), filed February 12, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic tubing*,

plastic conduit, plastic mouldings, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products, and accessories used in the installation of such products in straight or mixed loads, from McPherson, Kans., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. 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., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 95), filed February 20, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, *Description in Motor Carrier Certificates*, 61 M.C.C. (272–273) and 766 (except commodities in bulk, and tank vehicles, and hides), from Liberal, Kans., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Illinois, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. 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 Kansas City, Mo., or Denver, Colo.

No. MC 113267 (Sub-No. 210), filed February 10, 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 and 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 *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Shreveport, La., to points in Louisiana, Arkansas, and that part of Texas lying east of the eastern boundaries of Cooke, Denton, Tarrant, Ellis, Navarro, Freestone, Leon, Madison, Grimes, Waller, Fort Bend, and Brazoria Counties, Tex. NOTE: Common control 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 necessary, applicant requests it be held at Houston, Tex., or Shreveport, La.

No. MC 113300 (Sub-No. 4) (Correction), filed February 3, 1969, published FEDERAL REGISTER issue of February 27, 1969, corrected and republished, this issue. Applicant: WILLIAM T. HERRON, Route No. 3, Marietta, Ohio 45750. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are susceptible of being unloaded by dumping, in dump trucks; (a) between points in Athens, Morgan, and Noble Counties, Ohio, on the one hand, and, on the other, points in Harrison, Jackson, Pleasants, Wetzel, Wood, Mason, Roane, Ritchie, Calhoun, Tyler, Marshall, Doddridge, Wirt, Gilmer, and Kanawha Counties, W. Va.; and (b) between points in Washington County, Ohio, on the one hand, and, on the other, points in Kanawha County, W. Va. NOTE: Applicant states it presently holds authority to transport coal, in bulk, in dump trucks from Athens, Morgan, and Noble Counties, Ohio, to Pleasants and Wood Counties, W. Va., and to this degree, the instant request would be duplicative. The purpose of this republication is to reflect counties in (a) above, in West Virginia, in lieu of Virginia, as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113434 (Sub-No. 33), filed February 20, 1969. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, or preserved, other than frozen, from the site of the facilities of H. J. Heinz Co. in Toledo, Ohio, to points in Michigan. 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 Detroit, Mich., or Pittsburgh, Pa.

No. MC 113678 (Sub-No. 339), filed February 17, 1969. 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: *Foodstuffs*, from the plantsite and storage facilities utilized by Holloway House, Inc., at or near Lafayette, Ind., to points in Utah, Wyoming, Montana, Idaho, Oregon, and Washington. NOTE: Applicant states that it intends to tack at Lafayette, Ind., to serve points in Colorado, Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, Kansas, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 340), filed February 17, 1969. 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: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in the *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by Carter Packing Co., Inc., at or near Buhl, Idaho, to points in Illinois, Wisconsin, Minnesota, Kansas, Texas, Colorado, Arizona, Iowa, 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 does not specify a location.

No. MC 113678 (Sub-No. 341), filed February 20, 1969. 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, and frozen foods*, from Colorado Springs, Colo., to points in Illinois, Indiana, Michigan, North Dakota, South Dakota, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Wyoming, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia. 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 Denver, Colo.

No. MC 113843 (Sub-No. 147) (Correction), filed January 23, 1969, published FEDERAL REGISTER, issue of February 20, 1969, and republished as corrected this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, table sauces, table spreads, salad dressings, salad oils, vegetable oils, cooking oils, shortening, lard, tallow, animal fats, products made with vegetable oils and/or animal fats*, in containers in vehicles equipped for controlled temperatures, from the plantsite of Anderson, Clayton & Co. Foods Division, at or near Jacksonville, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: The purpose of this republication is to include "sauces, table spreads, salad dressings, salad oils," to the commodity description which was erroneously omitted from previous publication. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 114211 (Sub-No. 121), filed February 24, 1969. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, Post Office Box 420, Waterloo, Iowa 50704. 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) *Agricultural implements and machinery;* (2) *tractors* (except those with vehicle beds, bed frames, or fifth wheels), including lawn and 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 Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, and Texas, restricted to traffic originating at the plantsites of, or storage or distribution facilities used by, International Harvester Co. 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 further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 75), filed February 24, 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: (1) *Paper and paper products and woodpulp*, from Cloquet and Brainerd, Minn., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *equipment, material, and supplies* used in the manufacture, sale, and distribution of paper and paper products and woodpulp, from points in the above destination States to Cloquet and Brainerd, Minn. 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, Minn.

No. MC 114632 (Sub-No. 18), 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, 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 Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Spencer, Iowa; Hartley, Iowa; and Sioux Falls, S. Dak., to points in Kansas and Missouri. 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 Sioux City, Iowa.

No. MC 114725 (Sub-No. 46), filed February 6, 1969. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, 605 South 14th Street, 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 116254 (Sub-No. 92), filed February 6, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Huntsville, Ala., to points in Georgia, Mississippi, and Tennessee. NOTE: Applicant states it intends to tack the sought authority with its Sub 52 at Barfield, Ark., and points within 10 miles thereof, which includes a portion of Tennessee (Barfield is on Tennessee River) to serve points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Wisconsin, those in Tennessee west and south of a line extending from the Kentucky-Tennessee State line along U.S. Highway 27, thence along U.S. Highway 70 to the Tennessee-North Carolina State line, and those in Texas (except Longview, Tex.) east and north of a line extending from the Oklahoma-Texas State line along U.S. Highway 281 to San Antonio, Tex., and thence along U.S. Highway 87 to the Gulf of Mexico. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 116725 (Sub-No. 14), filed February 14, 1969. Applicant: INDIANA VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and dairy products* (except in bulk, and except frozen foods), between the plantsites of Keller's Creamery, Inc., Harleysville, Pa., and Franconia Township, Montgomery County, Pa., on the one hand, and, on the other, points in Vermont. NOTE: Applicant states the authority sought under the above commodity description shall not be combined with any other authority held herein by carrier for the purpose of performing a through service. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117119 (Sub-No. 412), filed February 13, 1969. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plantsite of the Kitchens of Sara Lee, Division of Consolidated Foods, in Deerfield, Ill. and/or the warehouses of the Kitchens of Sara Lee, Division of Consolidated Foods, in Chicago, Ill., to points in Minnesota, Iowa, North Dakota, South Dakota, Washington, Oregon, Idaho, Utah, Nebraska, 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 Chicago, Ill., or Washington, D.C.

No. MC 117574 (Sub-No. 181), filed February 5, 1969. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, between Crystal City, Mo., on the one hand, and, on the other points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 117815 (Sub-No. 141) (Amendment), filed February 3, 1969, published FEDERAL REGISTER issue of February 20, 1969, amended February 11, 1969, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and *foodstuffs;* (a) from the plantsite and storage facilities of Geo. A. Hormel & Co. at Austin, Minn., to points in Iowa, Illinois, Kansas, Michigan, Missouri, Nebraska, and Ohio; (b) from the plantsite

and storage facilities of Geo. A. Hormel & Co. at Fremont, Nebr., to points in Illinois, Indiana, Iowa, Michigan, and Ohio, and to Austin, Minn.; and (c) from Fort Dodge, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, and Ohio, and to Austin, Minn.; and (2) *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 Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (a) from Des Moines, Iowa, to points in Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, and Ohio; and (b) from the plantsite and storage facilities of Geo. A. Hormel & Co. located at or near Algona, Iowa, to Fort Dodge, Iowa, and Austin, Minn. NOTE: The purpose of this republication is to broaden the scope of the authority sought. 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 Des Moines, Iowa.

No. MC 117815 (Sub-No. 142), filed February 24, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and groceries*, from Des Moines, Iowa, to points in Michigan. 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 Des Moines, Iowa.

No. MC 118292 (Sub-No. 18), filed February 18, 1969. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 312, Alma, Ark. 72921. Applicant's representative: Lester M. Bridgeman, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods and baby supplies*, from Fort Smith, Ark., to points in Iowa, Nebraska, and South Dakota, restricted to traffic originating at Fort Smith, Ark. 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 Little Rock, Ark., or Washington, D.C.

No. MC 118936 (Sub-No. 1), filed February 24, 1969. Applicant: JAMES A. MARINARI AND JOSEPH A. MARINARI, a partnership, doing business as MARINARI BROTHERS, 9 Colwell Lane, Conshohocken, Pa. 19428. Applicant's representative: Richard V. Zug, Harts Lane, Miquon, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals and other scrap materials* in connection therewith, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. NOTE: Applicant states no duplicating authority is being sought. 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 Philadelphia, Pa.

No. MC 119302 (Sub-No. 2), filed February 3, 1969. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, Post Office Box 387, Clarion, Pa. 16214. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and unprepared scrap, automobile bodies*, smashed or unsmashed, *industrial scrap and rejected materials* used in the processing of scrap, between points encompassing the entire States of Pennsylvania, Ohio, Indiana, Illinois; that portion of New York on and west of a line beginning at Oswego and bearing southeasterly on Route 57 to Syracuse, thence in a southerly direction along U.S. Highway 11 to the New York-Pennsylvania State line; that portion of Maryland on and north of U.S. Highway 40 between the Delaware-Maryland State line and Baltimore, Md., and west of Chesapeake Bay; that portion of West Virginia on and north of highways commencing at the Maryland-West Virginia State line and bearing westerly along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction with U.S. Highway 119 and West Virginia Highway 4, thence along West Virginia Highway 40 to junction with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Ohio State line; and that portion of Michigan on and south of Michigan Highway 46. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Luria Brothers & Co., Inc., of Cleveland, Ohio. NOTE: Applicant has common carrier authority in MC 87103, therefore dual operations may be involved. Applicant states that it is willing to accept restriction in its certificate against service to Luria Brothers & Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 119489 (Sub-No. 22), filed February 6, 1969. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 596, Norfolk, Nebr. 68701. 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119531 (Sub-No. 109), filed February 27, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. 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: *Containers and accessories therefor*, from Worthington, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and Wisconsin. 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., or Washington, D.C.

No. MC 119539 (Sub-No. 10), filed February 24, 1969. Applicant: BEVERAGE TRANSPORT, INC., East Bloomfield, N.Y. 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: *Foodstuffs* (except frozen foods and commodities in bulk) *and such incidental materials and supplies* as are used in the distribution and sale of such foodstuffs, *including incidental nursery accessories*, from points in Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Seneca, Wayne, and Yates Counties, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, 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 Rochester or Buffalo, N.Y.

No. MC 119778 (Sub-No. 120), filed February 13, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends of liquid sugar*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Georgia on and west of U.S. Highway 129, and points in that part of Tennessee on and west of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 11 to Knoxville, Tenn., thence along U.S. Highway 25W to the Tennessee-Kentucky State line and east of Tennessee Highway 13. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 119895 (Sub-No. 16) (Correction), filed November 18, 1968, published in FEDERAL REGISTER issues of December 12, 1968, and January 16, 1969, and republished as corrected this issue. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses* as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides); (1) from Austin, Minn., to Milan, Ill., Lincoln, Nebr., and points in Iowa; (2) from Des Moines, Iowa, to Lincoln, Nebr., and Detroit, Mich.; (3) from Fort Dodge, Iowa, to Lincoln, Nebr., and points in Illinois, Iowa, and Missouri; and (4) between Omaha, Nebr., on the one hand, and on the other, Fort Dodge, Iowa, and Austin and Owatonna, Minn. Restriction: Service in parts (1), (2), and (4) above is restricted to traffic originating at plantsites and/or warehouse facilities of Geo. A. Hormel & Co., and I. D. Packing Co. and destined to the points and States specified. NOTE: The purpose of this republication is to delete part (3) in the restriction. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119903 (Sub-No. 9), filed February 19, 1969. Applicant: D. J. WALRAVEN, 2713 Maple Drive, Rome, Ga. 30161. Applicant's representatives: Alan E. Serby and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk or in bags, from Hanceville, Ala., to points in that part of Georgia on and north of the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties, and on and west of U.S. Highway 441; and points in Knox, Blount, Sevier, and Anderson Counties, Tenn.; and (2) *fertilizer and fertilizer materials*, in bags and in bulk, from Tyler, Tenn., to points in Alabama, under a continuing contract, or contracts, with Cotton Producers Association of Atlanta, Ga., and its affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 121561 (Sub-No. 2) (Amendment), filed July 31, 1968, published FEDERAL REGISTER, issue of September 6, 1968, amended January 31, 1969, and republished as amended this issue. Applicant: DONALD E. MILLER AND NORMA H. MILLER, a partnership, doing business as MILLER TRANSFER, Box 217, Ceresco, Nebr. 68107. Applicant's representatives: Con M. Keating and A. James McArthur, 303 Lincoln Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring special equipment), between Lincoln and Omaha, Nebr.; (1) from Lincoln over U.S. Highway 77 to Wahoo, Nebr., thence over Nebraska Highway 92 to Omaha, and return over the same route, serving all intermediate points, and the off-route points of Cedar Bluffs, Colon, and Davey, Nebr.; (2) from Lincoln over U.S. Highway 77 to junction with Nebraska Highway 63, thence over Nebraska Highway 63 to point approximately 3 miles of State Spur 263, thence over county road north to Nebraska Highway 92 at Mead, Nebr., thence over Nebraska Highway 92 to Omaha, and return over the same route, serving all intermediate points, and the off-route points of Ithaca, Nebr., and the Old Nebraska Ordnance Plant, Nebr.; (3) from Lincoln over Nebraska Highway 79 to junction with U.S. Highway 30A, thence over U.S. Highway 30A to Wahoo, thence over Nebraska Highway 92 to Omaha, and return over the same route, serving all intermediate points, and the off-route points of Raymond, Malcolm, Malmo, and Weston, Nebr.; and (4) from Lincoln over U.S. Highway 6 to junction Nebraska Highway 31, thence over Nebraska Highway 31 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, and return over the same route, serving the intermediate point of Ashland, Nebr. NOTE: The purpose of this republication is to show that applicant requests regular routes in lieu of irregular routes as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124078 (Sub-No. 362), filed February 20, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from the plantsite of the Jenkins Silica Sand Co., at or near Pound, Va., to points in Kentucky, Tennessee, and West Virginia. NOTE: Applicant states that tacking could take place at Sewanee, Tenn., in conjunction with its present authority in MC 124078 Sub 51, to serve points in Alabama, Mississippi, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Chicago, Ill.

No. MC 124154 (Sub-No. 26) (Amendment), filed December 30, 1968, published in the FEDERAL REGISTER issue of January 24, 1969, and republished as amended, this issue. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, and fittings, and attachments of aluminum and plastic pipe, conduit, and fittings, and combinations of metallic and plastic materials*, from the plantsite of Jackson Tubing & Conduit Corp. located in Early County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant holds contract carrier authority under MC 117504 (Sub-No. 1), therefore dual operations may be involved. The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Albany, or Columbus, Ga.

No. MC 125650 (Sub-No. 4), filed February 9, 1969. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 910 Dickens Street, Missoula, Mont. 59801. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and dairy products*, as described in sections A and B of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *fish* in vehicles equipped with mechanical refrigeration, from points in King, Lewis, Thurston, and Pierce Counties, Wash., to Great Falls, Kalispell, Billings, Helena, Glasgow, Glendive, Havre, and Miles City, Mont., (2) *fresh fruits, berries, and vegetables, and frozen foods*, except ice cream, in vehicles equipped with mechanical refrigeration, from Milton-Freewater, Weston McMinnville, and Portland, Oreg., and Seattle, Kent, Arlington, Auburn, Tacoma, Olympia, Centralia, Chehalis, Wenatchee, Yakima, Warden, Othello, Grandview, Prosser, Kennewick, Zillah, and Spokane, Wash., to Great Falls, Kalispell, Billings, Helena, Glagow, Glendive, Havre, and Miles City, Mont.; (3) *frozen mink food*, in sacks, in vehicles equipped with mechanical refrigeration from Edmonds, Wash., to points in Idaho and Montana; and (4) *cheese, butter, and eggs*, in vehicles equipped with mechanical refrigeration, from Bozeman, Mont., to Seattle, Wash. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 125708 (Sub-No. 106), filed February 10, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxanna, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain Products*, dry, in containers; (1) between Winona, and Red Wing, Minn., on the one hand, and, on the other, Leavenworth, Kans.; and (2) from Winona and Red Wing, Minn., and Leavenworth, Kans., to points in Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee,

and Wisconsin. 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., or Boston, Mass.

No. MC 125708 (Sub-No. 107), filed February 12, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal display cases, and supplies and equipment* used in or in connection with the operation of wholesale and retail stores, from Middlebury, Ind., 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 125777 (Sub-No. 127), filed February 13, 1969. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. 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: (1) *Pig iron*, from Palmerton, Pa., to points in Illinois, Indiana, Michigan, and Ohio; (2) *stone and stone products*, from Fenton, Mo.; Mount Airy, N.C., and points in Marlboro County, S.C., to points in Michigan and Ohio north of U.S. Highway 40; (3) *stone and stone products*, from Blue Ridge, Ga., and Staley, N.C. to points in Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, and Wisconsin; and (4) *ferro alloys*, in bulk, from Chicago, Ill., to points in Wisconsin. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to a local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126736 (Sub-No. 57), filed February 17, 1969. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, Post Office Box 5809, Jacksonville, Fla. 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Orlando, Fla., to North Charleston, S.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 Orlando or Jacksonville, Fla.

No. MC 126835 (Sub-No. 20), filed February 17, 1969. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, Rural Route 2, West Harrison, Ind., Post Office Harrison, Ohio 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets* when moving with uncrated caskets; (1) from Lodi, N.J., to points in the United States (except Alaska and Hawaii), under continuing contracts with Bridge Casket Co., Inc.; and (2) from Columbus, Ohio, to points in the United States (except Alaska and Hawaii), under continuing contracts with Boyertown Burial Casket Co., and *returned shipments* of the above-named commodities from the above-named destination points to the above-named origin points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127099 (Sub-No. 7) (Amendment), filed January 21, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished as amended this issue. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, Ohio 43701. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Benches, lumber, cabinets, shelving, chairs, tables, and metal and woodworking machinery*, for use in schools and institutions, and related parts and accessories for the installation thereof, from Malta Township, Morgan County, Ohio, to points in the United States on and east of U.S. Highway 85; and (2) *materials and supplies* (except in bulk), used in the manufacture of the above-named commodities, from the above-named destination States to Malta Township, Morgan County, Ohio, on return, under a continuing contract, or contracts with Brodhead-Garrett Co., and its subsidiaries. NOTE: The purpose of this republication is to more clearly set forth the commodity description and the territorial scope of the application by adding (2) above. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127253 (Sub-No. 45), filed February 19, 1969. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Lufkin, Tex. 75901. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701, and C. Wade Shemwell, Post Office Box 728, Waskom, Tex. 75692. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feed*, from Houston, Tex. (Galena Park), to points in Louisiana, Arkansas, Missouri, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, and Arizona. 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 Houston or Dallas, Tex., or Tulsa, Okla.

No. MC 127623 (Sub-No. 5), filed February 6, 1969. Applicant: R & R FREIGHT TRUCKING COMPANY, INC., 812 Greene Street, Cumberland, Md. 21502. Applicant's representatives: James W. Rexrode (same address as applicant), also Earl E. Manges, 120 South Liberty Street, Post Office Box 833, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, sand, and gravel* in bulk, from Frostburg, Md., to points in Mineral County and Hampshire County, W. Va. NOTE: Applicant indicates tacking intentions with its presently held authority in MC 127623 (Sub-No. 2), wherein it transports salt, from Frostburg, Md., to points in Washington, Allegany, and Garrett Counties, Md. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wheeling, W. Va.

No. MC 127898 (Sub-No. 3), filed February 9, 1969. Applicant: DIRECT AIR FREIGHT CORPORATION, Bradley International Airport, Windsor Locks, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. 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, commodities requiring special equipment), between Bradley International Airport, Windsor Locks, Conn., on the one hand, and, on the other, Albany, N.Y., Logan Airport, Boston, Mass.; and points in Berkshire County, Mass. (except North Adams and Williamstown, Mass.), restricted to traffic having an immediately prior or subsequent movement by air. 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 Hartford, Conn., or Springfield, Mass.

No. MC 128205 (Sub-No. 10), filed February 19, 1969. Applicant: BULK-MATIC TRANSPORT COMPANY, a corporation, 4141 North George Street, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in pneumatic tank vehicles, from Manistee, Port Huron, and St. Clair, Mich., to points in Illinois, Indiana, and Wisconsin. 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 128285 (Sub-No. 2), filed February 17, 1969. Applicant: MELLOW EQUIPMENT CO., INC., 9001 North Denver, Post Office Box 17063, Portland, Oreg. 97217. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated wooden buildings, cabinets, and doors,*

from Longview, Wash., to points in Washington, Oregon, California, Nevada, Idaho, and Montana; and (2) *lumber, particle board, chip board, fiberboard, and hardboard* (except gypsum board, paper board and pulp board), from points in Washington, Oregon, California, and Idaho to Longview, Wash., under contract with Westway Building Center, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128319 (Sub-No. 1), filed February 10, 1969. Applicant: DOWDA MOTOR FREIGHT, INC., Route 2, Box 204, Centre, Ala. 35960. Applicant's representative: Al Shumaker, 190 East Main Street, Centre, Ala. 35960. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* with the exception of household goods, classes A and B explosives and freight requiring special equipment, between Centre, Ala., and Atlanta, Ga.: From Centre, Ala., to the Alabama-Georgia line over Alabama Highway 9, thence over Georgia Highway 20 to Rome, Ga., thence over U.S. Highway 411 to Cartersville, Ga., thence over U.S. Highway 41 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 128735 (Sub-No. 4), filed February 24, 1969. Applicant: ALVIN E. GOLNIK, doing business as GOLNIK TRUCKING, 731 Second Avenue, Koppel, Pa. 16136. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated metal products*, from the plantsite of Ellwood City Iron & Wire Co., at Ellwood City, Pa., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Mississippi, Alabama, South Carolina, Georgia, and Florida; and (2) *materials* used in the manufacture of fabricated metal products, from points in the aforesaid States, to the plantsite of Ellwood City Iron & Wire Co., at Ellwood City, Pa.; under contract with Ellwood City Iron & Wire Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128866 (Sub-No. 7), filed February 17, 1969. Applicant: B & B TRUCKING, INC., 9 Brade Lane, Post Office Box 128, Cherry Hill, N.J., 08034. Applicant's representative: Daniel L. O'Connor, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, from Davenport, Iowa, to the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark.; and (2) *aluminum food containers*, from Cherry Hill, N.J., to the warehouse site of Penny Plate, Inc., at Deerfield, Ill., under contract with Penny Plate, Inc. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 128940 (Sub-No. 7), filed February 24, 1969. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, 9327 Riggs Road, Post Office Box 722, Adelphi, Md. Applicant's representative: Charles E. Creager, Post Office Box 3582, Baltimore, Md. 21214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods and food products, related advertising materials, and equipment* used in the preparation and serving of foods in restaurants or commissaries; (1) from Washington, D.C., to points in Livingston, Macomb, Monroe, Oakland, Washtenwa, and Wayne Counties, Mich.; (2) from Chicago, Ill., to Washington, D.C.; (3) from Detroit, Mich., to Washington, D.C.; and (4) from Cleveland, Ohio, to Washington, D.C., under contract with Fairfield Farms Kitchens. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129729 (Sub-No. 1), filed February 10, 1969. Applicant: FRANCIS J. BEAROFF, INC., Box 195, Swedeland Road, King of Prussia, Pa. 19406. 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: *Brick*, from Perkiomen Junction, Schuylkill Township, near Phoenixville, Pa., to points in New Jersey, New York, Delaware, Maryland, District of Columbia, Connecticut, Massachusetts, and Fairfax County, Va. 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., or Washington, D.C.

No. MC 133034 (Sub-No. 2), filed February 17, 1969. Applicant: ANDREW J. DAVIDSON, doing business as DAVIDSON TRUCKING, 3026 Southeast 112th Avenue, Portland, Oreg. 97266. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* (1) between points in Washington, west of the Cascade Range and Klickatat County, Wash., on the one hand, and, on the other, points in Oregon; (2) between points in Oregon restricted to traffic having a prior or subsequent movement by water; and (3) between points in Washington restricted to traffic having a prior or subsequent movement by water, under contract with Whipple & Moshofsky Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133056 (Sub-No. 2), filed February 14, 1969. Applicant: EXECUTIVE-YANKEE AIRLINES, INC., doing business as YANKEE AIR FREIGHT SYSTEM, Pittsfield Airport, Pittsfield, Mass. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Berkshire County, Mass., on the one hand, and, on the other, Bradley Field, Windsor Locks, Conn., limited to shipments having an immediately prior or subsequent movement by air. 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 Pittsfield, Mass., or Hartford, Conn.

No. MC 133150 (Sub-No. 1), filed February 10, 1969. Applicant: JAMES INNACO, 1963 East Main Street, Bridgeport, Conn. Applicant's representative: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between New Haven and Greenwich, Conn., over U.S. Highway 1 and also Interstate Highways 95 and 91, serving intermediate and off-route points of New Haven, East Haven, West Haven, Hamden, Milford, Stratford, Bridgeport, Trumbull, Fairfield, Westport, Norwalk, Darien, Stamford, and Greenwich. NOTE: This application seeks to acquire the registration of a certificate of Skyline Transport, Inc., which was held under MC 96824 (Sub-No. 1) and the underlying Certificate C-345 issued to Skyline Transport, Inc., by the Public Utilities Commission of the State of Connecticut. A letter of authority requests the cancellation of the Skyline certificate in the event the Commission approves this application. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 133252 (Sub-No. 2) (Correction), filed January 21, 1969, published in the FEDERAL REGISTER issue of February 27, 1969, and republished as corrected this issue. Applicant: MIDWEST GROWERS COOPERATIVE CORPORATION, 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representatives: Laurence A. Short, 1824 R Street NW., Washington, D.C. 20009, and J. Donald Kenny, 930 Alcoa Building, 1 Maritime Plaza, San Francisco, Calif. 94111. 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), between points in Arizona, California, Nevada, Oregon, Utah, and Washington, on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia, restricted to traffic moving on Government bills of lading. NOTE: The purpose of this republication is to add the above restriction which was previously omitted from the publication. If a hearing is

deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133294 (Sub-No. 2), filed February 19, 1969. Applicant: ECONO-LINE EXPRESS, INC., 70 North Montgomery Street, San Jose, Calif. 95110. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and commodities requiring the use of special equipment), between San Francisco International Airport, South San Francisco, Calif., on the one hand, and, on the other, points in Alameda, San Mateo, and Santa Clara Counties, Calif., restricted (1) to shipments having an immediately prior or subsequent movement by air; and (2) to shipments weighing not in excess of 5,000 pounds. 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 San Francisco, Calif.

No. MC 133296 (Sub-No. 2), filed February 4, 1969. Applicant: DRACHE TRUCK LINE, INC., Post Office Box 42, Medford, Minn. 55049. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Monroe and Milwaukee, Wis., to Medford, Minn., under contract with H. & S. Distributing Co., Medford, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133297 (Sub-No. 2), filed February 10, 1969. Applicant: NATIONAL OIL & SUPPLY COMPANY, a corporation, 2345½ West Kearney, Springfield, Mo. 65803. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal food, liquid animal food supplements, and molasses*, with or without additives, in bulk, in tank vehicles, between Cargill, Inc., plantsite at Memphis, Tenn., and points in Alabama, Arkansas, Georgia, Illinois, Louisiana, Kentucky, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, under contract with Cargill, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 133346 (Sub-No. 2), filed February 10, 1969. Applicant: FRIGID FREIGHT, INC., 206 North Third Street, Page Park, Fort Myers, Fla. 33902. Applicant's representative: Robert J. Hyde, 1638 Maravilla, Fort Myers, Fla. 33901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit products, beverages, nonalcoholic*, from Bradenton (Manatee County), Fla., to points in New York, New Jersey, and Pennsylvania. 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 Tampa or Miami, Fla.

No. MC 133366 (Sub-No. 2), filed February 17, 1969. Applicant: MILLER TRUCKING, INC., 11318 Pressburg Street, Post Office Box 26116, New Orleans, La. 70126. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and peserved foodstuffs, margarine, mayonnaise, cooking oils, shortening, coffee, and matches*; (1) from New Orleans, La., to points in Louisiana, Mississippi, Alabama, Arkansas, Florida, Texas; and Memphis, Tenn.; (2) from Memphis, Tenn., and Biloxi, Miss., to New Orleans, La.; and *equipment, materials, and ingredients* used in the production of foodstuffs, except frozen foods, and commodities in bulk, in tank vehicles, from points in the above-named destination States in (1) above, and Memphis, Tenn., to New Orleans, La., and Biloxi, Miss., for the account of Hunt-Wesson Foods, Inc., and affiliated companies. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 133456, filed February 6, 1969. Applicant: STEPHEN C. JONES, 10 Kellington Drive, Pasadena, Md. 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 133461, filed February 7, 1969. Applicant: TRANSCOTT TRUCKING, INC., 350 Weymore Road, Winter Park, Fla. 32789. Applicant's representative: J. B. Rodgers, Jr., 405 Metcalf Building, 100 South Orange Avenue, Orlando, Fla. 32801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics* in packages and containers as is dealt in by cosmetic salesmen, dealers, distributors, and processors and in connection therewith *materials, supplies, equipment and fixtures* used in the conduct of such business; (1) from Winter Park, Fla., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia; and (2) from Port Jervis, and Farmingdale, N.Y., Cedar Grove and Jersey City, N.J.; Milwaukee, Wis.; Chicago, Ill.; Shelbyville, Tenn.; Lenoir, High Point, and Hickory, N.C.; Bassett, Va.; and Atlanta, Ga., to Winter Park, Fla., under contract with Koscott Interplanetary, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla., or Atlanta, Ga.

No. MC 133464, filed January 31, 1969. Applicant: JOSEPH PRATT, doing business as DUTCH'S USED CAR TRANSPORT, 330 Orchard Street, Rochester, N.Y. 14606. Applicant's representative: Charles A. Schiano, 4425 Lake Avenue, Post Office Box 4749, Rochester, N.Y. 14612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* by truckaway method, from Rochester, N.Y., to Manheim, Pa., under contracts with Universal Cartown, Inc., Mustang Used Auto Sales, B. Gabriel Motors, and Midtown Auto Sales. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, Buffalo, or New York, N.Y.

No. MC 133476, filed February 10, 1969. Applicant: CONTINENTAL DRIVEWAY, INC., 32 West Randolph Street, Chicago, Ill. 60602. Applicant's representatives: Neistein, Richman and Hauslinger, 33 North La Salle Street, Suite 2000, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, between points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133481, filed February 12, 1969. Applicant: NEEL'S TRANSFER & STORAGE, INC., 101 Runnels Street, Big Spring, Tex. 79720. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Howard, Scurry, Mitchell, Sterling, Glasscock, Midland, Andrews, Dawson, Martin, Ector, Borden, Gaines Counties, Tex., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 133482 (Sub-No. 1) (Amendment), filed February 12, 1969, published FEDERAL REGISTER issue of February 28, 1969, amended February 19, 1969, and republished as amended this issue. 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: (1) *Such commodities* as are dealt in by an importer of housewares, 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) *radios*, 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: The purpose of this republication is to broaden the scope of authority sought, by adding "Radios" in (2) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133487, filed February 17, 1969. Applicant: RAUB TRANSPORT, INC., 4 Water Street, Niles, Ohio 44446. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition roofing, shingles, siding, and insulating materials* (except commodities in bulk), and *vinyl siding and incidental materials* used in the installation thereof, between Lockland, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 133491, filed February 17, 1969. Applicant: PETRO TRANSPORT, INC., 7200 Inkster, Taylor, Mich. 48180. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy or residual oil and blends thereof*, in tank vehicles, from the port of entry on the international boundary line between the United States and Canada located at or near Port Huron, Mich., to points in the Lower Peninsula of Michigan, under contract with Petro Products, Inc., of Taylor, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133493, filed February 18, 1969. Applicant: IMPERIAL INTER-URBAN, INC., doing business as POLK LIMOUSINE AND AIR FREIGHT, 730 Mirror Street, Lakeland, Fla. 33801. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Post Office Drawer J, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, commodities in bulk, those requiring special equipment, and livestock), having an immediately prior or subsequent movement by air); (1) between the Orlando, Fla., airports (McCoy and Herndon Fields) on the one hand, and, on the other, points in Polk County, Fla.; and (2) between Tampa International Airport (Tampa, Fla.), on the one hand, and, on the other, points in Polk County, Fla. 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 Tampa or Orlando, Fla.

No. MC 133497, filed February 20, 1969. Applicant: CHIPMAN TRUCK COMPANY, a corporation, 12917 Sunshine Avenue, Santa Fe Springs, Calif. 90670. 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 irregular routes, transporting: *Liquid commodities* (except asphalts, lubricating oils and greases, automotive fuels, or aircraft fuels), in bulk, in tank vehicles, between points in California. 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 133500 (Sub-No. 1), filed February 26, 1969. Applicant: MORDHORST TRANSFER & STORAGE, INC., 1203 Glen Flora Avenue, Waukegan, Ill. 60085. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kenosha, Racine, Milwaukee, and Waukesha Counties, Wis.; Lake and Porter Counties, Ind.; and points in Illinois on and north of U.S. Highway 136; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. 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 Waukegan or Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 39211 (Sub-No. 9), filed February 10, 1969. Applicant: OHIO BUS LINE, INC., 130 Main Street, Hamilton, Ohio 45013. Applicant's representative: C. E. Scipel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Regular routes: Passengers and their baggage, express, newspapers, and mail*, in the same vehicle with passengers, between Sharonville and Dayton, Ohio: From Sharonville, Ohio, over U.S. Highway 42 to Lebanon, Ohio, thence over Ohio Highway 48 to Dayton, Ohio, and return over the same route, serving all intermediate points; and (B) *Irregular route: Passengers and their baggage, express, newspapers, and mail*, in the same vehicle with passengers, in charter operations, beginning and ending at points on the route specified in (1) above, and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Dayton, Ohio.

APPLICATION OF FREIGHT FORWARDERS

No. FF–329 (Sub-No. 2), T n' T, INC., Extension—California), filed March 1, 1969. Applicant: T n' T, INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to extend operation as a freight forwarder in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water, air, and motor vehicle, in the transportation of *motor vehicles* (including trailers), between points in California (except points in Alameda County, Calif.), on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130079, filed February 7, 1969. Applicant: NORTHWEST FREIGHT COORDINATORS, INC., Post Office Box 146, 2416 Marine Drive West, North Portland, Oreg. 97043. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. For a license (BMC–4) to engage in operations as a *broker* at North Portland, Oreg., in arranging for the transportation in interstate or foreign commerce of *general commodities*, except commodities in bulk, in tank vehicles, household goods as defined by the Commission, articles of unusual value, dangerous explosives, between points in Oregon, Washington, California, Idaho, and Utah.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 98610 (Sub-No. 4), filed February 17, 1969. Applicant: KANSAS TRANSPORT COMPANY, INC., 1060

West Kansas Street, McPherson, Kans. 67460. Applicant's representative: L. M. Cornish, Jr., 808 First National Bank Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from terminal of Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Missouri, and Nebraska restricted to the transportation of shipments which originate at the Mid-America Pipeline Co. facilities at or near Conway, Kans., and destined to points in the named destination States. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted.

No. MC 116282 (Sub-No. 20), filed February 7, 1969. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., a corporation, 246 Broad Street, Auburn, Maine. Applicant's representative: Mary E. Kelly, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, and returned containers and stale bakery products*, from Boston, Mass., to Keene and Claremont, N.H.; Rutland, Burlington, and St. Johnsbury, Vt.

By the Commission.

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

[F.R. Doc. 69-2973; Filed, Mar. 12, 1969; 8:45 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

PROCLAMATIONS:

	Page
3896	3789
3897	3791
3898	4935

EXECUTIVE ORDERS:

	Page
11007 (see EO 11458)	4937
11457	3793
11458	4937
11459	5057

5 CFR

	Page
213	5003

7 CFR

	Page
52	5151
58	5099
318	4879
722	3733, 5099
730	3733
775	3795, 5003
811	3795
842	3795
876	5003
877	3733
891	3737
906	5155
907	3738, 4879, 5059, 5156
908	4880, 4956, 5156
910	3674, 3738, 5006, 5059
912	3674, 5006
913	3675, 5007
944	5156
953	5059, 5157
965	5157
991	4956
993	3675
1130	3676
1424	4880
1427	4882

PROPOSED RULES:

	Page
906	4969
959	4969
980	5077
1005	5013
1009	5013
1036	5013
1061	3808
1068	3833
1070	5077
1071	5108
1078	5077
1079	5077, 5078

7 CFR—Continued

PROPOSED RULES—Continued

	Page
1103	5020
1104	5108
1106	5108
1202	4893

9 CFR

	Page
74	5007

12 CFR

	Page
526	5151
545	4884
569	5151
584	3796

PROPOSED RULES:

	Page
523	5022
531	5022
545	5024
556	5024
561	5024
571	5024
584	4895

14 CFR

	Page
39	3738, 4885, 4939, 4940
71	3655, 3796, 4502, 4940–4944, 5008–5010, 5060, 5099, 5100, 5157
73	3656, 4502, 5157
75	4502, 5010
95	3738
97	4945
151	3656, 4885
153	3656
199	3657
240	3741
241	3741
298	4955
385	3742
399	3742

PROPOSED RULES:

	Page
21	3695, 4893
25	5020
27	5020
33	5020
36	4893
39	4894, 5110
43	3695
65	3695
71	3696–3699, 3851, 4894, 4974, 5022, 5060, 5111, 5180, 5181

14 CFR—Continued

PROPOSED RULES—Continued

	Page
73	5022
75	5080
91	3695
121	3751
145	3695
147	3751
151	5111
157	3756

16 CFR

	Page
13	3658, 3659, 5060
15	3742, 5061
240	4926
503	4956

17 CFR

	Page
231	4886

PROPOSED RULES:

	Page
230	5027
240	4896
270	5027

18 CFR

PROPOSED RULES:

	Page
157	5182

19 CFR

	Page
4	4957
16	4957
30	4957

20 CFR

PROPOSED RULES:

	Page
604	3748

21 CFR

	Page
1	4886
120	5100
121	4887, 4888, 5010, 5100, 5101
320	4888, 4889

PROPOSED RULES:

	Page
121	3748

22 CFR

	Page
42	4964
501	3659

25 CFR

	Page
131	3686
221	5061

26 CFR

Page

1 ... 5011
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, 5067
25 ... 5067
31 ... 5067
36 ... 5067
41 ... 5067
45 ... 5067
46 ... 5067
48 ... 5067
49 ... 5067
147 ... 5067
151 ... 5067
152 ... 5067
301 ... 5067

28 CFR

0 ... 4889

29 CFR

464 ... 5158
465 ... 5158
1505 ... 3776

PROPOSED RULES:

462 ... 5176

31 CFR

5 ... 5159

32 CFR

577 ... 4965

33 CFR

117 ... 5012
207 ... 4967
208 ... 4967, 5159

PROPOSED RULES:

401 ... 5025

36 CFR

Page

7 ... 5012
311 ... 4968
326 ... 4968

37 CFR

PROPOSED RULES:

1 ... 4973
3 ... 4973

38 CFR

4 ... 5062
8 ... 5064
36 ... 4889

39 CFR

171 ... 3797

PROPOSED RULES:

132 ... 5013

41 CFR

3-1 ... 5159
3-2 ... 5159
3-3 ... 5159
3-4 ... 5159
3-5 ... 5159
3-6 ... 5159
3-7 ... 5159
3-55 ... 5159
5B-3 ... 4890
9-1 ... 4890
9-16 ... 4890
9-53 ... 4890
12B-1 ... 5064
12B-3 ... 5064
12B-4 ... 5065
29-60 ... 5169
101-45 ... 5172

42 CFR

205 ... 3743

PROPOSED RULES:

54 ... 3689
73 ... 5177
209 ... 3749

43 CFR

402 ... 5066

PUBLIC LAND ORDER:

4538 (corrected) ... 5012

PROPOSED RULE:

4 ... 5173

45 CFR

Page

145 ... 3801
177 ... 3801
250 ... 3745
801 ... 5066
1061 ... 3686

PROPOSED RULES:

416 ... 3689

46 CFR

PROPOSED RULES:

Ch. II ... 4973

47 CFR

1 ... 5102
2 ... 5104
5 ... 3801
21 ... 5172
73 ... 3802, 3804, 5106, 5107
81 ... 3806
87 ... 3807
89 ... 3807
91 ... 3807
93 ... 3807
95 ... 3807

PROPOSED RULES:

1 ... 3852
21 ... 3852
31 ... 5114
43 ... 3852
73 ... 3853-3855, 3857, 4895, 5080, 5120
74 ... 3858

49 CFR

369 ... 3687
371 ... 3688
1033 ... 3746
1048 ... 4892

PROPOSED RULES:

71 ... 3852
172 ... 5112
173 ... 5112, 5113
371 ... 3699
1203 ... 4897

50 CFR

28 ... 4892
33 ... 3747, 4892, 5066, 5100, 5172