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Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402
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Proclamation 3899
SENIOR CITIZENS MONTH, 1969
By the President of the United States of America
A Proclamation

There are today 20 million Americans who are 65 years of age or older.

The older Americans in our midst have been pioneers and builders during a period of dramatic change and severe testing. They remind us of the moral values and personal qualities which have been the basis of our national achievements. Having learned to live with change and challenge, they offer us, now and for the future, a valuable resource of skill and of wisdom.

We are grateful for scientific advances which have given us the longest life expectancy in the history of the world. But we must also be concerned with the quality of that longer life span.

It is therefore fitting that each year we designate one month in honor of older Americans. This is a special time to express our appreciation to older citizens for their services to the Nation, to recognize their potential for further contribution, and to consider whether we are doing all we can to assure their full participation in the adventures of our time and in the affluence of our society.

The continuing theme for this special month is MEETING THE CHALLENGE OF THE LATER YEARS. This year, particular emphasis will be given to the concept of PARTNERSHIP in meeting that challenge: partnership among all levels of government, partnership with voluntary organizations, and partnership among Americans of all ages. In addition, the Federal Government's Administration on Aging, in cooperation with the National Safety Council, will conduct an action program on accident prevention and safety for the older generation.

The concerns we express during this special month should also guide us throughout the year. For there is still much pioneering work to be done, work in which all age groups must join as full partners.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the month of May 1969 as Senior Citizens Month.
I invite the Governors of all the States and the Commonwealth of Puerto Rico, the officers of the Federal, State, and local governments, the heads of voluntary and private groups, and all Americans everywhere to join in this observance. I urge them to find suitable means for expressing appreciation to older citizens, for encouraging their continued and expanded activity, and for meeting the special needs of the frail and the poor and the lonely among them.

I especially invite the older citizens of this Nation to use this month as a time for reexamining the social role which they are playing and the conditions under which they live. And I ask them to share their conclusions and recommendations with their countrymen.

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

[signed]

[FR Doc. 69-3098; Filed, Mar. 18, 1969; 10:27 a.m.]
rules and regulations

Title 5—Administrative Personnel

Chapter I—Civil Service Commission

Part 213—Excepted Service

Executive Office of the President

Section 213.3303 is amended to show that the position of Private Secretary to the Assistant Director for Executive Management, Bureau of the Budget, is excepted under Schedule C. Effective on publication in the Federal Register, subparagraph (e) is added to paragraph (a) of § 213.3303 of Schedule C as set out below.

§ 213.3303 Executive Office of the President.

(a) Bureau of the Budget. * * *

(6) One Private Secretary to the Assistant Director for Executive Management.


United States Civil Service Commission.

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

[FR. Doc. 69-3266; Filed, Mar. 18, 1969; 8:47 a.m.]

Part 213—Excepted Service

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant to the General Counsel is excepted under Schedule C. Effective on publication in the Federal Register, subparagraph (33) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary. * * *

(33) One Special Assistant to the General Counsel.


United States Civil Service Commission.

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

[FR. Doc. 69-3266; Filed, Mar. 18, 1969; 8:47 a.m.]

Part 332—Recruitment and Selection Through Competitive Examination

A new § 332.408 is added as set out below.

§ 332.408 Restriction of consideration to one sex.

An appointing officer may not restrict his consideration of eligibles or employees for competitive appointment or appointment by noncompetitive action to a position in the competitive service to one sex, except in unusual circumstances when the Commission finds the action justified.


Part 713—Equal Opportunity

3. Part 713 is revised as set out below.

Subpart A [Reserved]

Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

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713.202 General policy.

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Agency Regulations for Processing Complaints of Discrimination

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Appeal to the Commission

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713.241 Reports to the Commission.

Subpart C—Minority Group Statistics System

713.301 Applicability.

713.302 Agency systems.

Subpart D—Equal Opportunity Without Regard to Politics, Marital Status, or Physical Handicap

713.401 Equal opportunity without regard to politics, marital status, or physical handicap.


Subpart A [Reserved]

Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

General Provisions

§ 713.201 Purpose and applicability.

(a) Purpose. This subpart sets forth the regulations under which an agency
shall establish a program for equal opportunity in employment and personnel operations without regard to race, color, religion, sex, or national origin and under which the Commission will review an agency's program and entertain an appeal by an employee or applicant for employment and by an agency's processing of his complaint of discrimination on grounds of race, color, religion, sex, or national origin.

(b) Applicability. (1) This subpart applies to Executive agencies and military departments as defined by sections 105 and 102 of title 5, United States Code, and to the employees thereof including employees paid from nonappropriated funds, and to (ii) to those positions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service and to the employees in these positions.

(2) This subpart does not apply to aliens employed outside the limits of the United States.

§ 713.202 General policy.

It is the policy of the Government of the United States and of the government of the District of Columbia to provide equal opportunity in employment for all qualified persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each agency.

§ 713.203 Agency program.

The head of an agency shall exercise personal leadership in establishing, maintaining, and carrying out a positive, continuing program designed to promote equal opportunity in every aspect of agency employment policy and practice. Under the terms of its program, an agency shall:

(a) Conduct a continuing campaign to eradicate every form of prejudice or discrimination based upon race, color, religion, sex, or national origin from the agency's personnel policies and practices and its program.

(b) Reappraise job structure and employment practices and adopt positive and special recruitment, training, job design, and other measures necessary in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the agency;

(c) Communicate the agency's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, sex, or national origin, and solicit their recruitment assistance on a continuing basis.

(d) Participate at the community level with other employers, with schools and universities, and with other public and private groups in cooperative action to control employment opportunities and community conditions that affect employability;

(e) Review and control managerial supervisory performance in such a manner as to insure a positive application and vigorous enforcement of the policy of equal opportunity;

(f) Include employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation;

(g) Provide for counseling employees and qualified applicants who believe they have been discriminated against because of race, color, religion, sex, or national origin and for resolving informally the matters raised by them; and

(h) Provide for careful consideration and a just and expedient disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex, or national origin.

§ 713.204 Implementation of agency program.

To implement the program established under this subpart, an agency shall:

(a) Develop the plans, procedures, and regulations necessary to carry out the program established under this subpart;

(b) Appraise its personnel operations at regular intervals to assure their conformance with the policy in § 713.202 and its program established in accordance with § 713.203;

(c) Designate a Director of Equal Employment Opportunity, and such Equal Employment Opportunity Officers and Employment Opportunity Counselors as may be necessary, to assist the head of the agency to carry out the functions described in this subpart in all organizational units and locations of the agency. The functioning of the Director of Equal Employment Opportunity, the Equal Employment Opportunity Officer, and the Equal Employment Opportunity Counselor shall be subject to review by the Commission. The Director of Equal Employment Opportunity shall be under the immediate supervision of the head of his agency, and shall be given the authority, responsibility, and cooperation to carry out his responsibilities under the regulations in this subpart;

(d) Assign to the Director of Equal Employment Opportunity the functions of:

(1) Advising the head of his agency with respect to the preparation of plans, procedures, regulations, reports, and other matters pertaining to the policy in § 713.202 and the agency program required to be established under § 713.203;

(2) Evaluating from time to time the sufficiency of the total agency program for equal employment opportunity and reporting thereon to the head of the agency with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial or supervisory employees who have failed in their responsibilities;

(3) When authorized by the head of the agency, making changes in programs as a result of findings in investigations of discriminatory practices and improve the agency's program for equal employment opportunity;

(4) Providing for counseling, by an Equal Employment Opportunity Counselor, of any aggrieved employee or qualified applicant for employment who believes he has been discriminated against because of race, color, religion, sex, or national origin and for attempting to resolve on an informal basis the matter raised by the employee or applicant before a complaint of discrimination may be filed under § 713.214.

(5) Providing for the receipt and investigation of individual complaints of discrimination in personnel matters in the agency subject to §§ 713.211 through 713.221;

(6) Providing for the receipt, investigation, and disposition of general allegations by organizations or other third parties of discrimination in personnel matters within the agency which are unrelated to an individual complaint of discrimination subject to §§ 713.211 through 713.221, under procedures determined by the agency to be appropriate, with notification of decision to the party submitting the allegation;

(7) When authorized by the head of the agency, making the decision under § 713.221 for the head of the agency on complaints of discrimination and ordering such corrective measures as he considers necessary;

(8) When not authorized to make the decision for the head of the agency on complaints of discrimination, reviewing, at his discretion, the record on any complaint before the decision is made under § 713.221 and making such recommendations to the head of the agency or his designee as he considers desirable;

(e) Publicize to its employees:

(1) The name and address of the Equal Employment Opportunity Officer; and

(2) Where appropriate, the name and address of an Equal Employment Opportunity Counselor; and

(3) The name and address of the Equal Employment Opportunity Counselor and the organizational units he serves; his availability to counsel an employee or qualified applicant for employment who believes he has been discriminated against because of race, color, religion, sex, or national origin; and the requirement that an employee or qualified applicant for employment must consult the Counselor as provided by § 713.213 about his allegation of discrimination because of race, color, religion, sex, or national origin before a complaint as provided by § 713.214 may be filed; and

(4) Make readily available to its employees a copy of its regulations issued to carry out its program of equal employment opportunity.

§ 713.205 Commission review of agency program.

The Commission shall review periodically an agency's equal employment opportunity program and operations. When it finds that an agency's program or operations are not in conformance with the policy set forth in § 713.202 and the regulations in this subpart, the Commission shall require improvement or corrective action to bring the agency's program or operations into conformity with this policy and these regulations.
§ 713.211 General.
An agency shall ensure that its regulations governing the processing of complaints of discrimination on grounds of race, color, religion, sex, national origin, or other bias do not conflict with the principles and requirements in §§ 713.212 through 713.222.

§ 713.212 Coverage.
(a) The agency shall provide in its regulations for the acceptance of a complaint from any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin. A complaint may also be filed by an organization for the protection of the aggrieved person with its consent.

(b) Sections 713.211 through 713.222 do not apply to the consideration by an agency of a general allegation of discrimination by an organization or other third party which is unrelated to an individual complaint of discrimination subject to §§ 713.211 through 713.222.

§ 713.213 Precomplaint processing.
(a) An agency shall require that an aggrieved person who believes that he has been discriminated against because of race, color, religion, sex, or national origin, consult with an Equal Employment Opportunity Counselor when he wishes to resolve the matter. The agency shall require the Equal Employment Opportunity Counselor to make whatever inquiry he deems necessary into the matter; to seek a solution of the matter on an informal basis; to counsel the aggrieved person concerning the merits of the matter; to keep a record of his counseling activities so as to brief, periodically, the Equal Employment Opportunity Officer on those activities; and, when advised that a complaint of discrimination has been filed by an aggrieved person, to submit a written report to the Equal Employment Opportunity Officer, with a copy to the aggrieved person, summarizing his actions and advice to both the aggrieved person and the agency concerning the merits of the matter. The Equal Employment Opportunity Counselor shall, insofar as is practicable, conduct his final interview with the aggrieved person not later than 15 workdays after the date on which the matter was called to his attention by the aggrieved person. The Equal Employment Opportunity Counselor shall advise the aggrieved person in the personal interview of his right to file a complaint of discrimination with the organization’s Equal Employment Opportunity Office if the matter has not been resolved to his satisfaction and of the time limits governing the acceptance of a complaint in 17 § 713.212. The Equal Employment Opportunity Counselor shall then advise the identity of an aggrieved person who has come to him for consultation, except when authorized to do so by the aggrieved person, until the agency has accepted a complaint of discrimination from him.

(b) The Equal Employment Opportunity Counselor shall be free from restraint, interference, coercion, discrimination, or reprisal in connection with the performance of his duties under this section.

§ 713.214 Filing and presentation of complaint.
(a) Time limits. (1) An agency shall require that a complaint be submitted in writing by the complaining person or his representative. The agency may accept the complaint for filing in accordance with its rules and regulations.

(i) The complaint shall be accepted by the Equal Employment Opportunity Counselor, who shall immediately forward a copy of it to the Equal Employment Opportunity Officer. The Equal Employment Opportunity Counselor shall not reveal the identity of an aggrieved person who has come to him for consultation, except when authorized to do so by the aggrieved person.

(ii) A complaint may be filed on behalf of the aggrieved person by the Equal Employment Opportunity Counselor, who shall conduct his final interview with the aggrieved person concerning the merits of the matter; to seek a solution of the matter on an informal basis; to counsel the aggrieved person; to keep a record of his counseling activities so as to brief, periodically, the Equal Employment Opportunity Officer on those activities; and, when advised that a complaint of discrimination has been filed by an aggrieved person, to submit a written report to the Equal Employment Opportunity Officer, with a copy to the aggrieved person, summarizing his actions and advice to both the aggrieved person and the agency concerning the merits of the matter. The Equal Employment Opportunity Counselor shall, insofar as is practicable, conduct his final interview with the aggrieved person not later than 15 workdays after the date on which the matter was called to his attention by the aggrieved person.

(b) Presentation of complaint. At any stage in the presentation of a complaint, including the counseling stage under § 713.213, the complainant shall be free from restraint, interference, coercion, discrimination, or reprisal, and shall have the right to be accompanied, represented, and advised by a representative of his own choosing. If the complainant is an employee of the agency, he shall have a reasonable amount of official time to present his complaint if he is otherwise in an active duty status. If the complainant is an employee of the agency and the employment of another employee of the agency as his representative is denied, he shall have a reasonable amount of official time, if he is otherwise in an active duty status, to present the complaint.

§ 713.215 Rejection or cancellation of complaint.
When the head of the agency, or his designee, decides to reject a complaint because it is not timely filed or because it is not within the purview of § 713.212 or to cancel a complaint because of a failure of the complainant to prosecute the complaint, or because of a separation of the complainant which is not related to his complaint, he shall transmit the decision by letter to the complainant and his representative which shall inform the complainant of his right of appeal to the Commission if he believes that action improper and the time limit applicable thereto.

(b) The Director of Equal Employment Opportunity shall arrange to furnish to the person conducting the investigation a written authorization (1) to investigate all aspects of complaints of discrimination, (2) to require all employees of the agency to cooperate with him in the conduct of the investigation, and (3) to require employees of the agency having any knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.

§ 713.217 Adjustment of complaint.
(a) The agency shall provide an opportunity for adjustment of the complaint on an informal basis after the complainant has reviewed the investigative file. If an adjustment of the complaint is arrived at, the terms of the adjustment shall be made part of the complaint file, with a copy of the terms of the adjustment provided the complainant.
(b) If an adjustment of the complaint is not arrived at, the complainant shall be notified in writing of the proposed disposition thereof. In that notice, the agency shall inform him of his right to a hearing with subsequent decision by the head of the agency or his designee and his right to such a decision without a hearing. The agency shall remand the complaint to the Director of the Equal Employment Opportunity Commission as qualified to conduct a hearing for contumacious conduct or for the purpose of making arrangements to secure testimony from the employee through a written interrogatory. Employees of the agency shall be in a duty status during the time they are so available as witnesses. Witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony at the hearing or during the investigation under this section.

(1) Record of hearing. The hearing shall be recorded and transcribed verbatim. All documents submitted to, and accepted by, the appeals examiner, shall be admitted into the record of the hearing to the extent they are relevant to the hearing. The hearing shall be made part of the record of the hearing if the agency submits a document that is accepted, it shall furnish a copy of the document to the complainant. If the complainant submits a document that is accepted, he shall make the document available to the agency representative for reproduction.

(g) Findings, analysis, and recommendations. The appeals examiner shall transmit the findings, analysis, and recommendations to the Director of Equal Employment Opportunity, whatever findings and recommendations he considers appropriate with respect to conditions in the agency having no bearing on the matter which gave rise to the complaint or the general environment out of which the complaint arose.

§ 713.219 Relationship to other agency appellate procedures.

When a complaint makes a written allegation of discrimination on grounds of race, color, religion, sex, or national origin, in connection with an action that would otherwise be processed under the grievance or other internal appeal procedure of the agency, the agency may process the allegation of discrimination under its grievance or other internal appeal procedure when that procedure meets the principles and requirements in §§ 713.212 through 713.220 and the head of the agency, or his designee, makes the decision of the agency on the issue of discrimination. That decision on the issue of discrimination shall be incorporated in and become a part of the decision on the grievance or other internal appeal.

§ 713.229 Avoidance of delay.

(1) The complaint shall be resolved expeditiously. To this end, both the complainant and the agency shall proceed with the complaint without undue delay so that the complaint is resolved, except in unusual circumstances, within 60 days of the date upon which the complaint examiner, exclusive of time spent in the processing of the complaint by the appeals examiner under § 713.218. When the complaint

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(b) Arrangements for hearing. The agency shall transmit the complaint file containing all the documents described in § 713.222 which have been accepted up to that point in the processing of the complaint to the head of the agency or his designee for his consideration of the investigatory file (which shall be considered by the appeals examiner in making his recommended decision on the complaint), to the appeals examiner when it is necessary to the complaint file to determine whether further investigation is needed before scheduling the hearing. When the appeals examiner determines that further investigation is needed, he shall remand the complaint to the Director of Equal Employment Opportunity for further investigation or arrangement for the agency to supply the needed information at the hearing. The requirements of § 713.216 apply to any further investigation by the agency on the complaint. The appeals examiner shall reschedule the hearing for a convenient time and place.

§ 713.218 Hearing.

(a) Appeals examiner. The hearing shall be held by an appeals examiner who must be an employee of another agency except when the agency in which the complaint arose is (1) the government of the District of Columbia or (2) an agency which, by reason of law, is prevented from divulging information concerning the matter complained of to a person who has not received the security clearance required by that agency, in which case the single agency which, by reason of law, is considered to be a single agency.

(b) Arrangements for hearing. The agency shall transmit to the Commission all the documents described in § 713.222 which have been accepted up to the point in the processing of the complaint to the head of the agency or his designee, to the appeals examiner when it is necessary to the complaint file to determine whether further investigation is needed before scheduling the hearing. When the appeals examiner determines that further investigation is needed, he shall remand the complaint to the Director of Equal Employment Opportunity for further investigation or arrangement for the agency to supply the needed information at the hearing. The requirements of § 713.216 apply to any further investigation by the agency on the complaint. The appeals examiner shall reschedule the hearing for a convenient time and place.

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(b) Arrangements for hearing. The agency shall transmit to the Commission all the documents described in § 713.222 which have been accepted up to the point in the processing of the complaint to the head of the agency or his designee, to the appeals examiner when it is necessary to the complaint file to determine whether further investigation is needed before scheduling the hearing. When the appeals examiner determines that further investigation is needed, he shall remand the complaint to the Director of Equal Employment Opportunity for further investigation or arrangement for the agency to supply the needed information at the hearing. The requirements of § 713.216 apply to any further investigation by the agency on the complaint. The appeals examiner shall reschedule the hearing for a convenient time and place.

(c) Conduct of hearing. (1) Attendance at the hearing is limited to persons determined by the appeals examiner to have a direct connection with the complaint. (2) The appeals examiner shall conduct the hearing so as to bring out pertinent facts, including the production of documents. Rules of evidence shall not be applied strictly, but the appeals examiner shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the complaint or employment practices relevant to the complaint shall be received in evidence. The complainant, his representative, and the representatives of the agency shall be given the opportunity to cross-examine witnesses who appear and testify. Testimony shall be under oath or affirmation.

(d) Powers of appeals examiner. In addition to the other powers vested in the appeals examiner by the agency in accordance with this subpart, the agency shall authorize the appeals examiner to: (1) Administer oaths or affirmations; (2) Regulate the course of the hearing; (3) Rule on offers of proof; (4) Limit the number of witnesses whose testimony would be unduly repetitious; and (5) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(e) Witnesses at hearing. The appeals examiner may require the agency to make available as a witness at the hearing an employee requested by the complainant when he determines that the testimony of the employee is necessary. He shall make available to the agency any other employee whose testimony he desires to supplement the information in the investigative file. The appeals examiner shall give the complainant his reasons for the denial of a request for the appearance of employees as witnesses and shall insert those reasons in the record of the hearing. The agency shall make its employees available as witnesses at a hearing on a complaint when requested to do so by the appeals examiner and it is administratively practicable to comply with the request. When it is administratively infeasible to comply with the request for a witness, the agency shall provide an explanation to the appeals examiner. If the explanation is inadequate, the appeals examiner shall make the employee available as a witness at the hearing. If the explanation is adequate, the appeals examiner shall insert it in the record of the hearing, provide a copy to the complainant, and make arrangements to secure testimony from the employee through a written interrogatory. Employees of the agency shall be in a duty status during the time they are so available as witnesses. Witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony at the hearing or during the investigation under this section.

(f) Record of hearing. The hearing shall be recorded and transcribed verbatim. All documents submitted to, and accepted by, the appeals examiner, shall be admitted into the record of the hearing to the extent they are relevant to the hearing. The hearing shall be made part of the record of the hearing if the agency submits a document that is accepted, it shall furnish a copy of the document to the complainant. If the complainant submits a document that is accepted, he shall make the document available to the agency representative for reproduction.

(g) Findings, analysis, and recommendations. The appeals examiner shall transmit the findings, analysis, and recommendations to the Director of Equal Employment Opportunity, whatever findings and recommendations he considers appropriate with respect to conditions in the agency having no bearing on the matter which gave rise to the complaint or the general environment out of which the complaint arose.
not been resolved within this limit, the complaint may appeal to the Commission for a review of the reasons for the delay. Upon review of this appeal, the Commission may require the agency to take special measures to insure the expedited resolution of the complaint or may accept the appeal for consideration under §713.234.

(b) The head of the agency or his designee may cancel a complaint if the complaint fails to prosecute the complaint without undue delay. However, instead of canceling for failure to prosecute, the complaint may be adjudicated if sufficient information for that purpose is available.

§713.221 Decision by head of agency or designee.

(a) The head of the agency, or his designee, shall make the decision of the agency on a complaint based on information in the complaint file. A person designated to make the decision for the head of the agency shall be one who is fair, impartial, and objective. The decision of the agency shall be in writing and shall be transmitted by letter to the complainant and his representative. That letter shall also transmit a copy of the findings, analysis, and recommended decision of the appeals examiner made under §713.218. When there has been a hearing, the decision of the agency shall adopt, reject, or modify the decision as recommended by the appeals examiner. When the decision of the agency is to reject or modify the recommended decision of the appeals examiner, the letter transmitting the decision of the agency shall set forth the reasons for rejection or modification. When there has been no hearing and no decision under §713.217(c), the letter transmitting the decision of the agency shall set forth the findings, analysis, and decision of the head of the agency or his designee.

(b) The agency shall advise the complainant of his right to appeal to the Commission the decision of the head of the agency, or his designee:

(i) because (1) it was not timely filed, or (ii) it was not within the purview of the agency's regulations;

(ii) To cancel his complaint (1) because of the complainant's failure to prosecute his complaint, or (ii) because of the complainant's separation which is not related to his complaint;

(ii) On the merits of the complaint, under §713.217(c) or §713.221, but the decision does not resolve the complaint to the complainant's satisfaction.

(b) A complainant may not appeal to the Commission under paragraph (a) of this section when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Commission.

§713.222 Complaint file.

The agency shall establish a complaint file containing all documents pertinent to the complaint. The complaint file shall include copies of (a) the written report of the Equal Employment Opportunity Counselor under §713.213 to the Equal Employment Opportunity Office, (b) the complaint, (c) the investigative file, (d) if the complaint is withdrawn by the complainant, a written statement of the complainant or his representative to that effect, (e) if adjustment of the complaint is arrived at under §713.317, the written record of the terms of that adjustment, (f) if no adjustment of the complaint is made under §713.317, a copy of the letter notifying the complainant of the proposed disposition of the complaint and of his right to a hearing, (g) if a decision is made under §713.317, a copy of the letter notifying the complainant of the disposition of the complaint and of his right to a hearing, (h) if a hearing was held, the record of the hearing, together with the appeals examiner's findings, analysis, and recommending decision on the merits of the complaint, (i) if the Director of Equal Employment Opportunity is not the designee, the recommendations, if any, made by him to the head of the agency or his designee, and (j) if decision is made under §713.221, a copy of the letter transmitting the decision of the head of the agency or his designee. The complaint file shall not contain any document that has not been made available to the complainant.

APPEAL TO THE COMMISSION

§713.251 Entitlement.

(a) Except as provided by paragraph (b) of this section, a complainant may appeal to the Commission the decision of the head of the agency, or his designee:

(i) because (1) it was not timely filed, or (ii) it was not within the purview of the agency's regulations;

(ii) To cancel his complaint (1) because of the complainant's failure to prosecute his complaint, or (ii) because of the complainant's separation which is not related to his complaint;

(iii) On the merits of the complaint, under §713.217(c) or §713.221, but the decision does not resolve the complaint to the complainant's satisfaction.

(b) A complainant may not appeal to the Commission under paragraph (a) of this section when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Commission.

§713.232 Where to appeal.

The complainant shall file his appeal in writing, either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

§713.233 Time limit.

(a) Except as provided in paragraph (b) of this section, a complainant may file an appeal at any time after receipt of his agency's notice of final decision on his complaint but not later than 15 calendar days after receipt of that notice.

(b) The time limit in paragraph (a) of this section may be extended in the discretion of the Board of Appeals and Review upon a showing by the complainant that he was not notified of the prescribed time limit and was not otherwise aware of it or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§713.301 Applicability.

(a) This subpart applies (1) to Executive agencies and military departments as defined by sections 105 and 102 of title 5, United States Code, and to the employees thereof including employees paid from nonappropriated funds, and (2) to those portions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service and to the employees in these positions.

(b) This subpart does not apply to aliens employed outside the limits of the United States.

§713.302 Agency systems.

(a) Each agency shall establish a system which provides statistical employment information by race or national origin.
§ 752.104 General standards.

(b) Except when required by statute, an agency may not take an adverse action against an employee covered by this part because of marital status or for political reasons.

§ 752.203 Appeal rights to the Commission.

(b) If a complaint of discrimination is accepted under Subpart B of Part 713 of this chapter concerning the same action, the employee may elect to terminate that appeal by appealing to the Commission.

§ 752.204 Appeal rights to the Commission.

(b) Scope of review. (1) On appeal, the Commission reviews the procedures used in a suspension under this subpart and only those matters referred to in subparagraphs (2), (3), and (4) of this paragraph.

(2) When an employee alleges that a suspension was taken as the result of discrimination on grounds of race, color, religion, sex, or national origin, the Commission refers the allegation of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

§ 752.304 Appeal rights to the Commission.

(b) Except when required by statute, an agency may not take an adverse action against an employee covered by this part because of marital status or for political reasons.

§ 752.304 are amended as set out below.

4. Sections 752.104, 752.203, and 752.304 are amended as set out below.

§ 752.104 General standards.
United States Civil Service Commission.

[SEAL] James C. Spey, Executive Assistant to the Commissioners.

F.R. Doc. 69-5205; Filed, Mar. 18, 1969; 8:46 a.m.

Title 7—Agriculture

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—Foreign Quarantine Notices

Subpart—Nursery Stock, Plants, and Seeds

FOREIGN NURSERIES CERTIFIED AS PRODUCING SPECIFIED DISEASE-FREE MATERIAL

Pursuant to § 319.37-28 of the regulations supplemental to the Nursery Stock, Plants, and Seeds Quarantine (Notice of Quarantine No. 37, 7 CFR 319.37-28), issued under the authority of sections 7 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 160, 162), administrative instructions designated as § 319.37-28(a) (7 CFR 316.37-28a) are hereby revised to read as follows:

§ 319.37-28a Administrative instructions designating foreign nurseries eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States.

The following nurseries have been designated by the Director of the Plant Quarantine Division as eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States.

British Nurseries


Brinkman Bros., Ltd., Walton Nurseries; Bosham, Chichester, Sussex, England.

Costes Co., Ltd., The Fire; Emneth, Wisbech, Cambs, England.

Darby Bros., Broad Fen Farm; Methwolde.

Hylas, Thetford, England.

East Malling Research Station; Maidstone, Kent, England.

Hammont, D. H.; Ware Street, Bearsted, Maidstone, Kent, England.


Long Ashton Research Station; University of Bristol, Long Ashton, Bristol, England.


Byelane’s Nursery; Rural Route No. 1, Westbank, British Columbia, Canada.

Day Nursery; Rural Route No. 4; Kelowna, British Columbia, Canada.

Downham, H. C. Nursery Co., Ltd.; Strathroy, Ontario, Canada.

H. G. Nunn, Compton, Quebec, Canada.

Kelowna Nurseries; Post Office Box 178, Kelowna, British Columbia, Canada.

W. Kraus Nurseries, Ltd.; Cuculce, Ontario, Canada.

Mori Nurseries, Ltd.; Rural Route No. 2, Niagara-on-the-Lake, Ontario, Canada.

Okanagan Nurseries; Rural Route No. 4; Kelowna, British Columbia, Canada.

Oliver Nursery, Oliver, British Columbia, Canada.

Ottawa Research Station, Canada Dept. of Agriculture; Ottawa, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Sanschington, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Smithfield, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Summerland, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Vineland Station, Ontario, Canada.

Scott-Whaley Nurseries, Ltd.; Ruthven, Ontario, Canada.

Stewart Brothers Nurseries, Ltd.; 1446 Bernard Avenue, Kelowna, British Columbia, Canada.

Truss, Nursery, Ltd.; 24120 48th Avenue, Rural Route No. 7, Langley, British Columbia, Canada.


The administrative instructions shall become effective upon publication in the Federal Register.

These instructions add the following additional nurseries to the list of nurseries designated as eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States:

Byelane’s Nursery; Rural Route No. 1, Westbank, British Columbia, Canada.

Day Nursery; Rural Route No. 4; Kelowna, British Columbia, Canada.

Kelowna Nurseries; Post Office Box 178, Kelowna, British Columbia, Canada.

W. Kraus Nurseries, Ltd.; Cuculce, Ontario, Canada.

Mori Nurseries, Ltd.; Rural Route No. 2, Niagara-on-the-Lake, Ontario, Canada.

Okanagan Nurseries; Rural Route No. 4; Kelowna, British Columbia, Canada.

Oliver Nursery, Oliver, British Columbia, Canada.

Ottawa Research Station, Canada Dept. of Agriculture; Ottawa, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Sanschington, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Smithfield, Ontario, Canada.

Research Branch, Canada Dept of Agriculture; Summerland, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Vineland Station, Ontario, Canada.

Scott-Whaley Nurseries, Ltd.; Ruthven, Ontario, Canada.

Stewart Brothers Nurseries, Ltd.; 1446 Bernard Avenue, Kelowna, British Columbia, Canada.

Truss, Nursery, Ltd.; 24120 48th Avenue, Rural Route No. 7, Langley, British Columbia, Canada.

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Day Nursery; Rural Route No. 4; Kelowna, British Columbia, Canada.

Kelowna Nurseries; Post Office Box 178, Kelowna, British Columbia, Canada.

W. Kraus Nurseries, Ltd.; Cuculce, Ontario, Canada.

Mori Nurseries, Ltd.; Rural Route No. 2, Niagara-on-the-Lake, Ontario, Canada.

Okanagan Nurseries; Rural Route No. 4; Kelowna, British Columbia, Canada.

Oliver Nursery, Oliver, British Columbia, Canada.

Ottawa Research Station, Canada Dept. of Agriculture; Ottawa, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Sanschington, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Smithfield, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Summerland, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Vineland Station, Ontario, Canada.

Scott-Whaley Nurseries, Ltd.; Ruthven, Ontario, Canada.

Stewart Brothers Nurseries, Ltd.; 1446 Bernard Avenue, Kelowna, British Columbia, Canada.

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W. Kraus Nurseries, Ltd.; Cuculce, Ontario, Canada.

Mori Nurseries, Ltd.; Rural Route No. 2, Niagara-on-the-Lake, Ontario, Canada.

Okanagan Nurseries; Rural Route No. 4; Kelowna, British Columbia, Canada.

Oliver Nursery, Oliver, British Columbia, Canada.

Ottawa Research Station, Canada Dept. of Agriculture; Ottawa, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Sanschington, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Smithfield, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Summerland, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Vineland Station, Ontario, Canada.

Scott-Whaley Nurseries, Ltd.; Ruthven, Ontario, Canada.

Stewart Brothers Nurseries, Ltd.; 1446 Bernard Avenue, Kelowna, British Columbia, Canada.

Truss, Nursery, Ltd.; 24120 48th Avenue, Rural Route No. 7, Langley, British Columbia, Canada.

§ 905.508 Tangelo Regulation 36.
(a) * * *
(b) * * *

(ii) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2: Provided, That such tangerines shall be free from damage by dryness or mushy condition; or

Provider, That such tangerines shall be free from damage by dryness or mushy condition; or


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

[F.R. Doc. 69-3291; Filed, Mar. 18, 1969; 8:48 a.m.]

[Tangerine Reg. 36, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 906), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple 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 tangerines grown in Florida.

Order. The provisions of paragraph (a) (2) (i) and (ii) of § 905.511 (Tangerine Reg. 36; 33 F.R. 18226; 34 F.R. 246, 438, 925) are hereby amended to read as follows:

§ 905.511 Tangerine Regulation 36.
(a) * * *
(b) * * *
(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2; Provided, That such tangerines shall be free from damage by dryness or mushy condition; or

cept that a tolerance of 10 percent, by count, of tangerines smaller than such minimum size shall be permitted, which tolerances shall be applied in accordance with the application of tolerances specified in the United States Standards for Florida oranges and tangelos; *


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

[F.R. Doc. 69-3290; Filed, Mar. 18, 1969; 8:48 a.m.]

[Orange Reg. 62, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

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 recommendations 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 on the handling of Texas citrus fruits, 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 oranges and grapefruit.

Order. In § 905.512 (Orange Reg. 62; 33 F.R. 18227, 34 F.R. 246, 925), the provisions of subsection (a) (2) (iv) and (v) are amended to read as follows:

§ 905.512 Orange Regulation 62.
(a) * * *
(b) * * *
(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2; Provided, That such Temple oranges shall be free from damage by dryness or mushy condition;
(v) Any Temple oranges, grown in the production area, which are of a size smaller than 2% inches in diameter, except that a tolerance of 10 percent, by count, of such smaller oranges shall be permitted, which tolerances shall be applied in accordance with the application of tolerances specified in the United States Standards for Florida oranges and tangelos; *


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

[F.R. Doc. 69-3290; Filed, Mar. 18, 1969; 8:48 a.m.]

[Amnd. 2]

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

Container and Pack Regulations

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 recommendations 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 on the handling of Texas citrus fruits, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 date of this amendment until 30 days after publication thereof in the Federal Register (5 U.S.C. 553) in that, as hereinafter set forth, 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 oranges and grapefruit.

Order. The provisions of § 906.340 (Container and Pack Regulations) which are amended (7 CFR Part 906) are amended to read as follows:

§ 906.340 Container and pack regulations.
(a) * * *
(b) * * *
(v) Closed fiberboard carton with inside dimensions of 19% x 13 inches and of a depth from 12 to 13% inches; Provided, That the container has a Mullen or Cady test of at least 250 pounds and

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the container is used only for the shipment of six 8-pound bags of fruit:

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


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

[F.R. Doc. 69-3293; Filed, Mar. 18, 1969; 8:48 a.m.]

[Valencia Orange Reg. 266]

PART 906—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.566 Valencia Orange Regulation 266.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 U.S.C. 601-674), 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 (7 CFR Part 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 hereof, to consider supply and market conditions for Valencia oranges and the need for regulation: Interested persons were afforded an opportunity to present information and views at this meeting; the recommendations 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 would 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) During the period March 21, 1969, through January 31, 1970, no handler shall handle any Valencia oranges grown in District 1 which are not of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: "Provided, That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter.

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

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

Dated: March 14, 1969.

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

[F.R. Doc. 69-3294; Filed, Mar. 19, 1969; 8:49 a.m.]

[Valencia Orange Reg. 266, Amtd. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment, as proposed, without change, effective March 19, 1969.

Whereas, by Resolution No. 22,535, dated January 23, 1969, and duly published in the Federal Register on January 30, 1969 (34 F.R. 1450), this Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available has been considered by the Board.

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendment, as proposed, without change, effective March 19, 1969.


By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

(b) Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use.

(4) Loans not subject to the limitations of § 545.6-7. Loans made under subparagraphs (1), (2), and (3) of this paragraph, by a Federal association whose aggregate general reserves, surplus, and


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

[F.R. Doc. 69-3259; Filed, Mar. 18, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,664]

PART 545—OPERATIONS

Loans by Federal Savings and Loan Associations

MARCH 13, 1969.

Whereas, by Resolution No. 22,535, dated January 23, 1969, and duly published in the Federal Register on January 30, 1969 (34 F.R. 1450), this Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available has been considered by the Board.

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendment, as proposed, without change, effective March 19, 1969.


By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

(b) Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use.

(4) Loans not subject to the limitations of § 545.6-7. Loans made under subparagraphs (1), (2), and (3) of this paragraph, by a Federal association whose aggregate general reserves, surplus, and
undivided profits equal or exceed 5 percent of its withdrawable accounts, shall not be subject to the limitations of § 456.6-7 if the following requirements are met:

(i) The security property is located within the association’s regular lending area;

(ii) The amount of the loan (uninsured or guaranteed loan) does not exceed the lesser of (a) the maximum permissible amount of the security, authorized by subparagraphs (1), (2), and (3) of this paragraph and (b) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, plus an amount that is not in excess of 7 percent of the value of such part of the security as is used for business purposes; and

(iii) The amount of such loan plus the unpaid balances of outstanding and maturing credits, meeting the requirements of this subparagraph, plus the amount of outstanding investments made pursuant to paragraph (a) of § 456.6-4 in participation interests in such loans, does not aggregate a total in excess of 15 percent of the association’s assets.

[F.R. Doc. 69-3296; Filed, Mar. 18, 1969; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,068]

PART 563—OPERATIONS

Payment of Trustee Fees on Pension Trust Accounts

MARCH 13, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563), relating to operations of insured institutions, to permit insured institutions to pay nominal annual fees to trustees of trusts qualified under the Self-Employed Individuals Tax Retirement Act of 1962, as amended, for the purpose of effecting such amendment, hereby amends Part 563 by adding, immediately after § 563.31, the following new section, § 563.32, effective March 19, 1969:

§ 563.32 Payment of trustee fees on pension trust accounts.

Notwithstanding any other provision of this subchapter, annual payment by an insured institution of a nominal fee, even if computed with reference to the number of persons having interests in the trust, may be made to the trustee of a trust qualified under the Self-Employed Individuals Tax Retirement Act of 1962, as amended, during the period that the account for such trust is maintained in such institution.


Resolved further that, since advising notice and public procedure on all of the above amendments would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 568.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendment for the period specified in § 568.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinafter set forth.

By the Federal Home Loan Bank Board.

[SELL]

Jack Carter, Secretary.

[F.R. Doc. 69-3299; Filed, Mar. 18, 1969; 8:49 a.m.]

SUBCHAPTER B—FOOD AND DRUG PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

XANTHAN GUM

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1784) filed by Kelco Co., 825 Aero Drive, San Diego, Calif., 92123, and other relevant material, concludes that the food additive regulations should be amended. Accordingly, the regulations are amended, immediately after § 21.CFR 2120, Part 21 is amended by adding to Subpart D the following new sections:

§ 121.1224 Xanthan gum.

The food additive xanthan gum may be safely used in food in accordance with the following prescribed conditions:

(a) The additive is a polysaccharide gum derived from Xanthomonas campestris, a bacterium, produced by a process that renders it free of viable cells of Xanthomonas campestris.

(b) The strain of Xanthomonas campestris is nonpathogenic and nonnoxious in man or other animals.

(c) The additive is produced by a process that renders it free of viable cells of Xanthomonas campestris.

The additive meets the following specifications:

(1) Residual isopropyl alcohol not to exceed 750 parts per million.

(2) An aqueous solution containing 1 percent of the dry polysaccharide gum has a minimum viscosity of 600 centipoises at 75° F., as determined by Brookfielid Viscometer, Model LVF (or equivalent), using a No. 2 spindle at 60 rpm, and the ratio of viscosities at 75° F. and 150° F. is in the range of 1.02 to 1.45.

(3) Positive for xanthan gum when subjected to the following procedure:

Locust bean gum test.

Blend on a weighing paper or in a weighing pan 1.0 gram of powdered locust bean gum with 1.0 gram of the powdered polysaccharide to be tested. Add the blend slowly (approximately 1 gram per minute) to a solution of maximum agitation, until a stirred solution of 200 milliliters of distilled water previously heated to 100° C. in a 400-milliliter beaker. Continue mechanical stirring until the mixture is in solution, but stir for a minimum time of 90 minutes. Do not allow the water temperature to drop below 50° C. Set the beaker and its contents aside to cool in the absence of agitation. Allow a minimum time of 30 minutes for cooling. Examine the cooled beaker contents for a firm rubbery gel formation after the temperature drops below 40° C.

In the event that a gel is obtained, make up a 1 percent solution of the polysaccharide to be tested in 200 milliliters of distilled water previously heated to 90° C. (cont.
the locust bean gum). Allow the solution to cool. If no agitation as before. Formation of a gel on cooling indicates that the sample is a gelling polysaccharide and not xanthan gum.

Record the sample as “positive” for xanthan gum if a firm, rubbery gel forms in the presence of 10 milliliters of 0.01 molar hydrochloric acid. Weight the flask. Reflux the mixture for 3 hours. Take precautions to avoid loss of vapor during the refluxing. Cool the solution to room temperature. Add distilled water to make up any weight loss from the flask contents.

Positive for xanthan gum when (4) Positive for xanthan gum when containing no locust bean gum.

(1) Add 5 milliliters of ethyl acetate. Discard the supernatant.

(2) Mix the hydrazine reagent (0.5 percent hydrazine hydrate) with 5 milliliters of ethyl acetate. Discard the supernatant to avoid loss of vapor during the refluxing. Cool the solution to room temperature. Add distilled water to make up any weight loss from the flask contents.

Positive for xanthan gum when containing no locust bean gum.

Effective date. This order shall become effective on the date of its publication in the Federal Register.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Pipestone National Monument, Minn.; Quarrying and Sale of Pipestone

A proposal was published at page 18339 of the Federal Register, December 7, 1968, to revise § 7.42 of Title 36 of the Code of Federal Regulations. The effect of the revision is to eliminate a speed limit regulation which is no longer needed and to clarify the intent of the special regulations governing pipestone quarrying and sales of American Indian handicraft.

Subpart 9—Use of Negotiation

§ 9.3-103 Dissemination of procurement information.

Effective date. This amendment is effective upon publication in the Federal Register.

Dated at Germantown, Md., this 12th day of March 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR. Doc. 69-3240; Filed, Mar. 18, 1969; 8:46 a.m.]
PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Use of Certain Frequency by Air Carrier Aircraft Radio Stations

Report and order. In the matter of amendment of Parts 2 and 87 to allow use of the frequency 122.8 Mc/s by air carrier aircraft radio stations. Docket No. 17480.

1. The Commission on November 22, 1967, adopted a notice of proposed rule making in the above-entitled matter (FCC 67—1279) which made provision for the issuance of a rule. The notice was published in the Federal Register of December 1, 1967 (32 F.R. 16495). The time for filing comments and reply comments has passed.

2. The Commission is now considering the amendment to the rules would allow the use of the private aircraft frequency 122.8 Mc/s by air carrier aircraft for communications with aeromedical advisory stations when common communications service from FAA or other ground stations is not available, and with aircraft. The purpose of the proposal was to preclude a situation from arising where the safety of an aircraft flying into an uncontrolled airport could be jeopardized because an aircraft was precluded by rule from radio communications with the advisory station at the landing area or other aircraft in the vicinity.

3. Comments were filed by Aircraft Owners and Pilots Association (AOPA), jointly by Air Transport Association (ATA) and Aeronautical Radio, Inc. (ARINC), the State of Massachusetts and the State of Minnesota. The Department of Transportation, Federal Aviation Administration (F/AA), submitted a letter directed to this docket. In general, the industry and association representatives opposed the rulemaking and the representatives of government supported the proposal.

4. AOPA urges that the notice be withdrawn and no action be taken to allow use of 122.8 Mc/s by air carrier aircraft. This position is based on the following:

a. Part 121.99 of the Federal Aviation Regulations requires an air carrier aircraft to show that a two-way air-ground radio communications system is available for the air carrier aircraft with such communications usually provided through Aeronautical Radio, Inc. (ARINC).

b. The FAA, through Flight Service Stations (FSS), provides advisory service to aircraft at many airports throughout the country on frequencies common to air carrier aircraft. In addition, the FSS does not necessarily have to be located on the landing area to be used to give pertinent information.

5. The joint comment of ATA and ARINC opposes the proposal of the Commission to amend its rules and make the frequency 122.8 Mc/s available to air carrier aircraft. They state that they "were informed that the FAA is not going to adopt this proposal." The commentators feel that since the frequency, in the view of those licensed to use it, is already heavily congested, that the change has not been justified by the Commission. ATA and ARINC support that in those "rare situations such as outlined by the Commission in its docket where the use of 122.8 Mc/s by air carrier aircraft would appear to have merit and be justified, the Commission can continue to grant waivers * * * ."

6. The Commonwealth of Massachusetts, Aeronautics Commission, favors the proposed rule change. The State feels that such communications are necessary for the "so-called third level air carriers, such as Buker and Chartair." The Director of Aeronautics stated that "despite the fact that it was a violation of FCC regulations, I have heard certificated carriers announce their position and stations on 122.8 for the benefit of general aviation airplanes in the area and using the airport. In my opinion, this was sensible and very much in the interest of safety, and I am happy to see that the Commission is proposing to legalize this practice." The State of Minnesota, Department of Aeronautics, also agrees with the proposal.

7. The Department of Transportation, Federal Aviation Administration, submitted a letter in support of the proposal. Pertinent portions of the letter are as follows:

We have reviewed the points set forth in the proposed rule making as well as the comments filed by representatives of general aviation and air carriers.

We are in agreement that expansion of carrier service to smaller airports which do not yet have the benefit of an airport control tower or flight service station makes desirable the establishment for communications between aircraft in the airport traffic pattern or immediate vicinity.

The major thrust of the registered opposition is based upon the idea that the frequency is unnecessary. This particular source of concern could be negated to a large degree by carefully amending the proposed rule to limit the use of 122.8 MHz by air carrier aircraft to the immediate vicinity of an airport below a specified altitude. Additionally, this agency could include a provision in the rule authorizing a "good operating practice" which could have the effect of further limiting transmissions on the 122.8 MHz frequency except at those locations where it would be beneficial to safety.

8. The comments submitted by AOPA present matters which do not appear consistent with each other and indicate a possible misunderstanding of what the Commission proposed. A treatment of each comment, therefore, appears necessary. These will be considered in the same order as they are set forth in paragraph number 4 above.

The comment contained in subparagraph (a) of paragraph 4 is directed to the communications that are available to other aircraft i.e., ARINC. The Commission recognizes that these facilities are available to air carrier aircraft; however, the type of communications provided by ARINC does not exist where there is no air/ground communications at a landing area providing local traffic advisory information. ARINC communications provide necessary information for running an airline from flight progress to reservations and sales. They do not, however, provide aircraft flying into an uncontrolled landing area with information as to local conditions and traffic. They may provide such information, or occasion, to the air carrier they are serving but this information would, for the most part, be independent of and not coordinated with the advisory operation.

In addition, private aircraft would not have the benefit of hearing the transmission. This creates a situation where the Commission and industry (see report prepared by RTCA SC 118 dated Nov. 23, 1965) has sought to avoid; i.e., separate ground stations giving advisory information for specific airports and the resultant possibility of conflicting information. Subparagraph (b) is addressed to service rendered by FAA. It is recognized that when the Flight Service Station is providing a landing area with advisory service there is no need for an air carrier to communicate on 122.8 Mc/s and the rule as proposed would not permit such communications.

The comments contained in subparagraphs (a) and (b) discuss what communications are available. This rule makes only concerned with the situation when no communications are available other than 122.8 Mc/s for local traffic runway conditions and other advisory type information. Subparagraph (c) speaks to the specialization on 122.8 MHz and alleges that the addition of air carriers would render the frequency useless. In subparagraph (e) commentators speak of the “incidence of large air carrier aircraft regulation and airports which have neither a tower nor an FSS is relatively small.” It is difficult to reconcile the positions taken in these paragraphs.
The number of aircraft that will use 122.8 Mc/s is relatively small. It is difficult to estimate the impact on 122.8 Mc/s asserted in subparagraph (c).

9. The Commission feels that the true situation is that there are very few air carriers that will have to use 122.8 Mc/s and, therefore, the additional traffic generated by these aircraft on 122.8 Mc/s will not be significant from a congestion standpoint. However, if the frequency is assigned to the Aeronautical Advisory Service in accordance with subparagraphs (d) and (e) then the service is assumed to be operated by personnel who have no aeronautical training; in many cases stations are located in such a manner as to make it impossible to observe traffic; and, there is a lack of authentic information.

These comments must of course be viewed as applying to advisory stations whether air carrier aircraft are involved or not. They concern, however, as the matter stands, the Aeronautical Advisory Service was explored in depth by the Radio Technical Commission for Aeronautics (RTCA) SC-113 report dated November 23, 1965. AOPA, as the only member of the public to whom such criticism was directed against the service, it is recognized that these deficiencies may exist in some cases, most probably those related directly to landing traffic. It must be a rare occasion, however, where such circumstances exist at large uncontrolled landing areas being served by air carrier aircraft. In excess of 10,000 pounds. It should be noted that theหย่อม of the Federal Aviation Administration and 122.8 Mc/s is for communication with aeronautical advisory stations. The frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 Mc/s may be assigned to aeronautical advisory stations in accordance with Subpart C of this part and (2) between aircraft while in flight provided that harmful interference is not caused to air-ground communications.

12. The assistance offered by FAA in this matter is appreciated. The Commission finds that a program for educating the user can be developed between the two agencies which should lessen the congestion and misuse of the frequency 122.8 Mc/s. If it develops that an attitude restriction is necessary it will be the subject of rulemaking.

13. AOPA's request for formal hearing does not set forth any matters which would justify a hearing. The objections advanced by AOPA have been carefully examined and treated in detail in the report and order and to postpone final action in this matter would only unduly delay an important safety matter. In addition, AOPA made no showing of what it could contribute by way of an evidentiary hearing which it could not put before the Commission within the normal rule making process. The request, therefore, is denied.

14. In view of the foregoing: It is ordered, Pursuant to the authority contained in sections 4(d) and 303(b), (c), and (r) of the Communications Act of 1934, as amended, effective April 21, 1969, Parts 2 and 87 of the Commission's rules are amended as set forth below. It is further ordered, That this proceeding is terminated.

Adopted: March 12, 1969.

Released: March 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION.

Secretary.

1. In § 2.1 the definition of Aeronautical advisory station is amended to read as follows:

§ 2.1 Definitions.

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications primarily with private aircraft stations.

2. Footnote US 31 to the Table of Frequency Allocations, § 2.106, is amended to read as follows:

Except as provided below, the band 121.975–122.075 Mc/s is for use by private aircraft stations.

The frequencies 122.00, 122.05, 122.50, and 122.65 Mc/s may be assigned to aeronautical advisory stations.

The frequency 122.50 Mc/s may be assigned to aeronautical multicom stations.

Air carrier aircraft stations may use 122.00 Mc/s for communications with aeronautical stations of the Federal Aviation Administration and 122.8 Mc/s for communication with other aircraft and with aeronautical advisory stations.

Frequencies in the band 121.975–122.625 Mc/s may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only except that 122.0 Mc/s may also be used for communication with air carrier aircraft stations concerning weather information.

3. In § 87.5 the definition of Aeronautical advisory station is amended to read as follows:

§ 87.5 Definition of terms.

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications primarily with private aircraft stations.

4. A new paragraph (f) is added to § 87.195 to read as follows:

§ 87.195 Frequencies available.

(f) The frequency 122.80 Mc/s is available to air carrier aircraft for communications pertaining to safety of flight in the vicinity of landing areas not served by airdrome control or FAA flight service stations. Such communications are permitted. (1) with aeronautical advisory stations in accordance with Subpart C of this part and (2) between aircraft while in flight provided that harmful interference is not caused to air-ground communications.

5. Paragraph (e) of § 87.201 is amended to read as follows:

§ 87.201 Frequencies available.

(e) These frequencies are available to private aircraft stations for communications (1) with aeronautical advisory stations in accordance with Subpart C of this part and (2) between aircraft while in flight provided that harmful interference is not caused to air-ground communications and such communications pertain to the safety of the flight.

6. A new subparagraph (3) is added to paragraph (d) of § 87.257 to read as follows:

§ 87.257 Scope of service.

(d) Communications between an aeronautical advisory station and air carrier aircraft shall be limited to the necessities of safety of life and property in the air.

Chairman Hyde absent; Commissioner Johnson concurring in the result.

[F.R. Doc. 69-3278; Filed, Mar. 18, 1969; 5:48 a.m.]
Section X—Interstate Commerce Commission

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 11th day of March 1969.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and boxcars with inside length of 40 feet or longer with side-door openings of 8 feet or wider exists throughout the United States; that ship­pers located on lines of carriers owning a substantial number of these type cars are being deprived of such cars required for loading, resulting in a very severe emergency thus creating a great eco­nomic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars owned by these rail­roads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to pro­mote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are imprac­ticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1020 Service Order No. 1020.

(a) Distribution of boxcars. Each common carrier by railroad subject to the Interstate Commerce act shall ob­serve, enforce, and obey the following rules, regulations, and practices with respect to its car service:

1. Withdraw from distribution and return to owners empty, except as otherwise provided in subparagraph (3) or (4) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.ER. 370, as having mechanical designa­tions XM, with inside length of 50 feet or longer, 40 feet or longer with side-door openings of 8 feet wide or wider, or equipped with plug doors regardless of length.

2. This order shall not apply to box­cars owned by the following railroads:

Bangor and Aroostook Railroad Co.
Great Northern Railway Co.
Illinois Central Railroad Co.
Maine Central Railroad Co.
Northern Pacific Railway Co.
Southern Pacific Co.
Union Pacific Railroad Co.

(b) Boxcars described in subpara­graph (1) of this paragraph are available empty at a station other than a junction with the owner may be loaded to sta­tion on or via the owner, or to any sta­tion which is closer to the owner than the point where loaded.

(4) Boxcars described in subparagraph (1) of this paragraph are available empty at a junction with the owner must be delivered to the owner at that junction, either loaded or empty.

(5) Boxcars described in subpara­graph (1) of this paragraph must not be back-hauled empty, except from cleaning or repair facilities, or normal car distribution points, for the purpose of obtaining a load, as authorized in subpar­agraph (3) or (4) of this paragraph, nor held empty more than 24 hours awaiting placement for loading.

3. Application. The provisions of this order shall apply to Intrastate, Inter­state and foreign commerce.

(c) Effective date. This order shall be­come effective at 12:01 a.m., March 15, 1969.

(d) Expiration date. This order shall expire at 11:59 p.m., April 12, 1969, un­less otherwise modified, changed, or sus­pended by order of this Commission.

Marcus W. Clapper
Refuge Manager, Anahuac Na­tional Wildlife Refuge, Ana­huac, Tex.

March 10, 1969.

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.

Brazoria National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publica­tion in the Federal Register.

PART 33—SPORT FISHING

Anahuac 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.

Anahuac National Wildlife Refuge, Tex.

Sport fishing on the Anahuac National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 30 acres of inland water and 7 miles of shoreline, are delineated on maps available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1396, 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 inland water sport fishing on the refuge extends from April 1, 1969, through October 1969, inclusive.

2. Boats and floating devices may not be used for fishing on inland waters.

The provisions of this special regula­tion supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

Marcus W. Clapper
Refuge Manager, Anahuac Na­tional Wildlife Refuge, Ana­huac, Tex.

March 10, 1969.
PART 33—SPORT FISHING
Columbia National Wildlife Refuge, Wash.

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, Washington

COLUMBIA NATIONAL WILDLIFE REFUGE

General conditions. Sport fishing shall be in accordance with applicable State regulations. Portions of the refuge which are open to sport fishing are designated by signs and/or delineated on maps available at the refuge headquarters, Post Office Drawer B, Othello, Wash. 99344, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Special conditions. Sport fishing shall be permitted on the refuge as follows:

Waters open April 20 through August 15, 1969: Mallard Lake, Migraine Lake, and Scabrock Lakes.

Waters open July 10 through September 30, 1969: Lower Crab Creek within Management Units I and III as posted.

Waters open April 20 through September 30, 1969: Lower Crab Creek within Management Units II, IV, and V, and Royal Lake.

(2) The use of boats and outboard motors are prohibited on lakes so posted.

(3) Fishing on Juvenile Lake permitted only to persons under 17 years of age as posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1970.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

MARCH 11, 1969.

[F.R. Doc. 69-3250; Filed, Mar. 18, 1969; 8:45 a.m.]
DEPARTMENT OF THE TREASURY

Bureau of Customs
[19 CFR Part 31]

CUSTOMHOUSE BROKERS

Retention of Brokers Records; Use of Microfilm

Notice is hereby given pursuant to 5 U.S.C. 553 that it is proposed to revise § 31.23 of the Customs Regulations (19 CFR 31.23) to change the period for the retention of records from 5 years after liquidation of the entry becomes final to 6 years after the date of the entry and to provide a 6-year period of retention for papers relating to the withdrawal of merchandise from bonded warehouse. It is also proposed to add a paragraph authorizing district directors of customs to approve, under certain circumstances, the microfilming of records after they have been kept for 3 years. When approval is granted, the customhouse broker shall retain the microfilm instead of the actual documents during the last 3 years of the period of retention.

Under the authority of sections 624 and 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1624, 1641), R.S. 251 (18 U.S.C. 66), it is proposed to revise § 31.23 (19 CFR 31.23) to read as follows:

§ 31.23 Retention of books and papers.

(a) Period and place of retention. The books and papers as defined in § 31.1(e) and required by §§ 31.21 and 31.22 to be kept by a broker shall be retained within the customs district to which they relate for at least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal.

(b) Microfilming of books and papers. A customhouse broker may, with the approval of the district director of customs of the district in which he is licensed, record on microfilm any books and papers, other than books of account, required to be retained under the provisions of paragraph (a) of this section which are not less than 3 years old. A request for approval of the district director shall be accompanied by a description of the system of filing and indexing the records on microfilm. Retention and availability of the microfilm during the remainder of the period of retention shall satisfy the requirements of paragraph (a) of this section.

Prior to adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20229, and received not later than 15 days after the date of publication of this notice in the Federal Register. No hearing will be held.

[SEAL]

Lester D. Johnson, Commissioner of Customs.

Approved: March 10, 1969.

Matthew J. Marks, Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-3276; Filed, Mar. 18, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs
[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

Basis and purpose. Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 588; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order 13, May 16, 1944, 14 F.R. 250), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (10 BIAM 3.1 (34 F.R. 637, Jan. 16, 1969)), notice is hereby given of the intention to modify §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are not subject to the jurisdiction of the several irrigation districts.

The purpose of the amendment is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1969 and thereafter until further notice. It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont., within 30 days of publication of this notice in the Federal Register.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $3.21 per acre, for the season of 1969 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used. The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1/2 acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and thirty-five cents ($2.35) per acre-foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of $3.48 per acre, for the season of 1969 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1 1/2 acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and thirty-five cents ($2.35) per acre-foot or fraction thereof.

(b) (1) An annual minimum charge of $3.53 per acre, for the season of 1969 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1 1/2 acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and thirty-five cents ($2.33) per acre-foot or fraction thereof.

JAMES F. CAHAN,
Area Director.

[F.R. Doc. 69-3253; Filed, Mar. 18, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service
[7 CFR Part 944]

ORANGES

Imports

It has come to the attention of this Department that imports of Temple oranges are being made into the United States. Pursuant to the authority contained in section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement
Act of 1937, as amended (7 U.S.C. 601-674), notice is hereby given that the Department is giving consideration to the importation of oranges into the United States. The requirements in this section applicable to imports of Temple oranges during the period April 7 through September 14, 1969, are the same as those applicable to the handling of Temple oranges grown in Florida.

The proposed import requirements for oranges, as hereinafter set forth, are based upon the regulations published in Orange Regulation 62, as amended (7 U.S.C. 601 et seq., 33 F.R. 14171, 18088) currently sets forth the import restrictions applicable to oranges other than Temple oranges.

The proposed import requirements for Temple oranges, as hereinafter set forth, would be the same as those contained in Orange Regulation 62, as amended (7 U.S.C. 601 et seq., 33 F.R. 14171, 18088) to read as follows:

(j) The terms “U.S. No. 2,” “U.S. No. 1,” “U.S. Combination,” and “diameter” shall have the same meaning as when used in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680-51.712 of this title). When used in connection with Temple oranges, the terms “U.S. No. 2” and “diameter” shall have the same meaning as when used in the U.S. Standards for Florida Oranges and Tangels (§§ 51.1140-51.1178 of this title).

Dated: March 14, 1969.

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

[33 F.R. Doc. 69-3266; Filed, Mar. 18, 1969; 8:40 a.m.]
need not be accomplished by means of an identifiable member (an "Underride guard"). If the vehicle otherwise meets the configuration and strength requirements. The requirement of a specific member would raise difficulties of definition and application, such as the problem of the number of vehicles that by their inherent configuration do not need such a member. Instead, the proposed Standard requires that, at a height of 6 inches above the road surface, the vehicle have a continuous structure that is capable of withstanding a large static load when tested at any one of three specified points. Vehicles such as heavy cargo trailers whose beds normally are above that level would be expected to meet the requirement by having a guard, while those vehicles such as moving vans whose rear ends are within 18 inches of the ground may meet the requirement by ascertaining that the structure at the lower edge of the rear end is capable of withstanding the specified load.

It is recognized that the proposed Standard does not deal with possible safety hazards that may be caused by sharp protrusions at the rear of vehicles. It is foreseeable, however, that the minimum height or vertical configuration is specified for the guard line, a conforming guard may be attached that is so close to the ground that it is ineffective, since another vehicle could override it while underriding a higher rear structure. If these problems are found to be significant, they may be countered either with further elaboration of the Standard proposed herein or with a separate Standard in the area of bumper height and effectiveness (Dockets Nos. 1-9 and 1-10, 32 F.R. 14279). Comments are specifically invited in regard to these questions.

Several comments expressed concern that the installation of a guard would interfere with the freedom of operation of some large vehicles during off-road operations. The interests of safety dictate, however, that this protection should be present on public highways where the adjacent roadway is a continuing passenger cars with large vehicles. If necessary, the required structure may be made movable or removable for off-road operations.

It is anticipated that the proposed Standard will be amended, after technical studies have been completed, to extend the requirement for underride protection to the sides of large vehicles. It is also anticipated that mobile homes that will not be included in the Standard. The Administrator is presently considering rule making that could declare them not to be "motor vehicles" within the coverage of the Act, or could put them into a separate category (Docket No. 29, 33 F.R. 11694).

Interested persons are invited to participate in the making of the proposed regulation by submitting written data, views, or arguments. Specific information and comments are particularly invited in regard to the proposed construction and strength requirements. The comments should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 312, 490 Sixth Street, SW., Washington, D.C. 20590. All comments received before the close of business on June 2, 1969, will be considered by the Administrator. The proposal contained in this notice may be changed or amended, and all comments will be available in the docket at the above address for examination both before and after the closing date.

In consideration of the foregoing it is proposed to add to 49 CFR Part 371, Federal Motor Vehicle Safety Standards, a new Standard as set forth below. Because of the design and development work that may be necessary to provide economical compliance with this Standard, it is proposed to make it effective January 1, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegation of authority by the Secretary to the Federal Highway Administrator, 49 CFR Part 1, §1.4.

Issued in Washington, D.C., on March 13, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

REAR UNDERRIDE PROTECTION—TRAILERS AND TRUCKS WITH GLASS VEHICLE WEIGHT RATING OVER 10,000 POUNDS

S1. Purpose and scope. This standard establishes the requirement that the rear end of heavy vehicles be constructed so as to reduce the probability of underride in rear-end collisions.

S2. Applicability. This standard applies to trailers and to trucks. It does not, however, apply to pole trailers, truck tractors, or any vehicles with gross vehicle weight rating of 10,000 pounds or less.

S3. Definitions. "Rearmost part of the vehicle" means that point, on the portion of the vehicle that is more than 6 inches above the road surface, that is farthest to the rear when the cargo doors, tailgates, or other closing device are in the normal closed position. "Rear surface of the vehicle" means that portion of the exterior surface of the vehicle that would first be intersected by rays parallel to the direction of travel of the vehicle emanating from a source behind the vehicle.

"Guard line" means the lowest intersection of a horizontal plane with the rear surface of the vehicle that forms a continuous line that (1) extends to within 6 inches of each side of the vehicle and (2) has no portion more than 15 inches forward of the rearmost part of the vehicle.

S4. Requirements.

S4.1 Each vehicle shall have a guard line that is no more than 18 inches from the rear surface when the vehicle is unloaded.

S4.2 Each vehicle shall be capable of meeting the displacement test of S5.

S5. Displacement test.

S5.1 Position the vehicle on a level surface, (a) the surface is vertical and facing forward, upward, or lateral motion.

FEDERAL COMMUNICATIONS COMMISSION

CONSOLIDATION OR MERGER OF DOMESTIC TELEGRAPH CARRIERS

Certain Proceedings Categorized as Adjudication or Rule Making

1. Notice is hereby given that the Commission proposes to amend §§ 1.1129 and 1.1127 of the rules and regulations, which categorize certain proceedings either as adjudication or rule making. Under the proposed rules, set forth below, proceedings conducted under section 222(b) -(d) of the Communications Act would be listed in § 1.1127 as rule making proceedings. Proceedings conducted under section 222(b) -(d) concern the consolidation or merger of domestic telegraph carriers. These proceedings involve the approval or prescription of corporate or financial structures, facilities and services; they are prospective in effect; they turn primarily on questions of law and policy, and they can fairly and most effectively be considered under procedures governing the conduct of rule making proceedings.

FEDERAL REGISTER, VOL. 34, NO. 53—WEDNESDAY, MARCH 19, 1969
PROPOSED RULE MAKING

3. Pursuant to procedures set out in § 1.415 of the rules and regulations, 47 CFR 4.115, interested persons may file comments in this proceeding on or before April 11, 1969. Reply comments are not requested. All relevant and timely comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.418, an original and 14 copies of all comments shall be furnished the Commission.

Adopted: March 12, 1969.
Released: March 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL]

BEN F. WADSWORTH,
Secretary.

Part 1 of Chapter I of Title 47 is amended as follows:

1. Section 1.1203(a)(5) is revised to read as follows:

§ 1.1203 Restricted adjudicative proceedings.
(a) * * *
(5) Any proceeding conducted pursuant to the provisions of sections 206, 207, 212, 214(a), or 221(c) of the Communications Act.

2. Section 1.1207(a) is revised to read as follows:

§ 1.1207 Rule making proceedings.
(a) Any proceeding conducted pursuant to the provisions of sections 201(a), 204, 205, 213(a); 214(d), 221(c), or 222 of the Communications Act.

[FR Doc. 69-3281; Filed, Mar. 18, 1969; 8:48 a.m.]

GEORGIE REALLOCATION OF CERTAIN UHF TV CHANNELS
Order Extending Time for Filing Reply Comments

In the matters of amendment of Parts 2, 89, 91, and 93, geographic reallocation of UHF TV Channels 14 through 26 to the land mobile radio services for use within the 25 largest urbanized areas of the United States, Docket No. 18261; petition filed by the Telecommunications Committee of the National Association of Manufacturers to permit use of TV Channels 14 and 15 by land mobile stations in the Los Angeles Area, RM-564.

1. We have granted for consideration the request of the Association of Maximum Service Telecasters, Inc. (MST), for an extension of time for filing reply comments in this proceeding. A specific date is not mentioned, but MST urges that it be set "two to three" months after the release of the "final report" of the Stanford Research Institute. This request is supported, in principal, by the All-Channel Television Society and the National Association of Broadcasters; and opposed, in part, by Motorola, Inc., the Land Mobile Communications Council, and the Land Mobile Section of the Electronics Industries Association.

2. We have considered all of the matters advanced by the parties in support of their respective positions, and have decided in the circumstances of this case to allow an additional period of 30 days for replies.

Accordingly, it is ordered, That, to the extent indicated above, the request of the Association of Maximum Service Telecasters, Inc., is granted, and the time for filing reply comments in the above-captioned proceeding is extended from March 31, 1969, to April 30, 1969; and that, in all other respects, this request and associated ones of the other parties are denied.

Adopted: March 12, 1969.
Released: March 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL]

BEN F. WADSWORTH,
Secretary.

[FR Doc. 69-3282; Filed, Mar. 18, 1969; 8:48 a.m.]

OPERATIONS IN LAND MOBILE SERVICE
Order Extending Time for Filing Reply Comments

In the matter of an inquiry relative to the future use of the frequency band 806-960 MHz; and amendment of Parts 2, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile service between 806 and 960 MHz, and amendment of Parts 2, 89, 91, and 93 of the Communications Act of 1934, respectively, pursuant to the provisions of sections 201(a), 204, 205, 213(a), 214(d), 221(c), or 222 of the Communications Act.

1. Comments and reply comments in this proceeding (as extended from the original dates of Mar. 3 and Mar. 17, 1969) are now due March 14 and March 31, 1969, respectively. By letter of March 11, 1969, counsel for the licensee of limited-time Class II Station KXL, Portland, Oreg., has requested a 2-week further extension, to March 28 and April 14, 1969, respectively. It is stated that KXL desires to file comments, and that the additional time is requested in view of the pressing of other urgent business which will require the absence of counsel from his office for an extended period.

2. It appears that a short extension of time is not inappropriate and will not substantially delay this proceeding. However, the time has already been extended once, at the request of another party, and there does not appear warrant for the two additional weeks requested. A 10-day extension appears sufficient.

3. In view of the foregoing: It is ordered, That the time for filing comments and reply comments in Docket 18231 is extended, to and including March 24 and April 7, 1969, respectively: And it is further ordered, That the request of Dena Pictures, Inc., and Alexander Broadcasting Co., a joint venture doing business as Seattle, Portland and Spokane Radio (KXL), is granted to this extent and is otherwise denied. Authority for these actions is contained in sections 411 and 303(r) of the Communications Act of 1934.

1 Commissioner Wadsworth dissenting.

1 Commissioner Wadsworth dissenting.
PROPOSED RULE MAKING

4. A similar situation exists in regard to ship stations. The rules adopted July 17th require installation aboard ship, up to January 1, 1974, of transmitters which have a frequency tolerance capability of 20 parts in 10^6. On January 1, 1974, the rules require that all ship station transmitters conform to a tolerance of 10 parts in 10^6. These ship transmitters may have been installed shortly prior to January 1, 1974, and, unless modified for the new frequency tolerance, become obsolete on January 1, 1974. On the other hand, for a nominal increase in expense, the ship station licensee could have installed a transmitter which conformed to the frequency tolerance specified in the July 17th rules. In the view of the Commission, the ship station licensee, faced with procurement of a new, replacement, or additional transmitter during the period prior to January 1, 1974, should install equipment which conforms to the new frequency tolerance. These rules conform to the world-wide agreement that new ship station transmitters be limited to a maximum carrier output power of 25 watts and that such transmitters include the capability to reduce, readily, the carrier power to 1 watt or less.

6. Much the same situation exists in regard to power limitations applicable to ship stations as set forth in the July 17th rules. These rules conform to the world-wide agreement that new ship station transmitters be limited to a maximum carrier output power of 25 watts and that such transmitters include the capability to reduce, readily, the carrier power to 1 watt or less. In regard to new, replacement, or additional transmitters installed by a licensee during the period prior to January 1, 1974, it is desirable that this low-pass filter be installed in new, replacement, or additional transmitters installed by a licensee during the period prior to the above mentioned dates. Further, it appears that such a requirement would not impose hardship upon the licensee.

9. On the basis of the foregoing, it appears that the public interest would be served by amendment of Parts 81 and 83 of the rules to require that new, replacement, or additional transmitters installed at coast or ship stations after January 1, 1974, conform to the frequency tolerance, low-pass filter requirements, and power limitations set forth in the July 17th rules, as amended, for narrow-band operation.

12. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: March 12, 1969.
Released: March 13, 1969.
is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

(d) * * *

3 With regard to a particular station, the tolerance shown in the table is applicable to: transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: Provided, however, That a tolerance of 20 parts in 10^10 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

B. In §81.142, footnote 2 to paragraph (l) is amended to read as follows:

§ 81.142 Modulation requirements.

(l) * * *

The requirements of this paragraph are applicable as follows:

(a) To all transmitters type accepted after Mar. 1, 1969;

(b) To all transmitters first installed after Jan. 1, 1970; and

(c) To all transmitters after Jan. 1, 1971.

3. Part 63, Stations on Shipboard in the Maritime Services, is amended to read as follows:

1. In §83.131, footnote 1 following paragraph (c) (2) is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

(2) * * *

*With regard to a particular station, the tolerance shown in the table is applicable to: transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: Provided, however, That a tolerance of 20 parts in 10^10 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

2. In §83.134, footnote 2 following paragraph (f) is amended to read as follows:

§ 83.134 Transmitter power.

(f) * * *

Applicable to ship station transmitters for which type acceptance is granted after Sept. 3, 1968, and to all transmitters first installed aboard ship after Jan. 1, 1970.

3. In §83.137, footnote 2 to paragraph (g) is amended to read as follows:

§ 83.137 Modulation requirements.

(g) * * *

The requirements of this paragraph are applicable as follows:

(a) To all transmitters type accepted after Mar. 1, 1969;

(b) To all transmitters first installed after Jan. 1, 1970; and

(c) To all transmitters after Jan. 1, 1974.

[PR. Doc. 69-8260; Filed, Mar. 18, 1969; 3:46 a.m.]

5387

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR Part 249]

ADVERTISING OVER-THE-COUNTER DRUGS

Notice of Opportunity To Present Written Views, Suggestions, Objections, or Pertinent Information Regarding Proposed Guides

Proposed Guides for Advertising Over-the-Counter Drugs are herein set forth and are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.3, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed Guides for Advertising Over-the-Counter Drugs, to present to the Commission their views concerning the guides, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed guides, which are advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission, 444 North Capitol Street, N.W, Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Now: These guides have not been approved by the Federal Trade Commission. They are a draft of proposed guides which are made available for interested or affected parties for their consideration and for submission of such views, suggestions, objections, or other pertinent information as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed guides.

Text of the proposed guides follows:

Guides for this industry, if and when finally approved and adopted by the Commission, will be designed to assist manufacturers and advertisers of over-the-counter drugs in advertising such products in a manner which will conform with the Federal Trade Commission Act, as amended (15 U.S.C. secs. 41-58). Their purpose will be to encourage voluntary compliance with the Act by those whose practices are subject to the jurisdiction of the Commission. Proceedings to prevent deceptive practices in the advertising and selling of over-the-counter drugs may be brought under the Federal Trade Commission Act. Briefly stated, the Act makes it illegal for one to engage in unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce as well as the dissemination or causing the dissemination of false advertisements of non-prescription drugs.

Sec. 249.1 Definitions.

249.2 General principles.

249.3 Misrepresentation of benefits, efficacy, or safety.

249.4 Advertising should be consistent with labeling.

249.5 Comparison with other products.

249.6 New drugs.

249.7 Responsibilities of advertising agencies.

249.8 Deceptive pricing.

249.9 Deceptive use or imitation of trade or corporate names, trademarks, etc.

249.10 Deception of competitors or false disparagement of their products.

249.11 Misrepresentation of the character and size of business, extent of testing, etc.

249.12 Guarantees, warranties, etc.


§ 249.1 Definitions.

For the purpose of this part the following definitions shall apply:

(a) “Over-the-counter drugs” are drugs which under the provisions of section 503(b) (1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b) (1)) need not be dispensed by prescription.

(b) “Industry member” means a person, firm, corporation, or organization engaged in the preparation, manufacture, sale or distribution of an over-the-counter drug, and advertising agencies engaged in the preparation or dissemination of advertising of such a drug.

(c) “Labeling” means any written, printed, or graphic matter affixed to or appearing upon an article or affixed to or appearing upon a package containing an article.

(d) “Advertising” means any written or verbal statement, notice, presentation, illustration, or depiction other than labeling, which is directly or indirectly designed to effect the sale of an over-the-counter drug, or to create an interest in the purchase of any such product, whether the same appears in the newspaper, magazine or other periodical, in a catalog, letter or sales promotional literature, in a radio or television broadcast, or in any other media.

§ 249.2 General principles.

The Commission, in its opinions and orders to cease and desist in cases involving over-the-counter drug advertising, has enunciated principles which may be applied to the advertising of those products generally. These principles are restated in this part together with other provisions which are designed to encourage industry members to avoid actions which may violate the law and which are administered by the Commission with respect to advertising over-the-counter drugs.
(a) The important criterion in determining whether an advertisement is false and misleading is the net impression which it is likely to make on the general public, even though the individual members of the public may be convinced by words and sentences which although literally and technically true are formed in such a setting as to mislead. A false impression cannot be conveyed by words and sentences which although literally and technically true are formed in such a setting as to mislead. An advertisement should not be represented as being a treatment, cure, remedy, or preventive measure for a stated condition or disease if in fact it will only provide a palliative relief from some of the symptoms commonly associated with such condition or disease.

(1) An over-the-counter drug should not be represented as being a treatment, cure, remedy, or preventive measure for a stated condition or disease if in fact it will only provide a palliative relief from some of the symptoms commonly associated with such condition or disease.

(2) An over-the-counter drug should not be represented as being a treatment, cure, remedy, or preventive measure for a stated condition or disease if in fact it will only provide a palliative relief from some of the symptoms commonly associated with such condition or disease.

(3) An over-the-counter drug should not be represented as being a treatment, cure, remedy, or preventive measure for a stated condition or disease if in fact it will only provide a palliative relief from some of the symptoms commonly associated with such condition or disease.

(4) An over-the-counter drug should not be represented as being a treatment, cure, remedy, or preventive measure for a stated condition or disease if in fact it will only provide a palliative relief from some of the symptoms commonly associated with such condition or disease.

(5) An over-the-counter drug should not be represented as being a treatment, cure, remedy, or preventive measure for a stated condition or disease if in fact it will only provide a palliative relief from some of the symptoms commonly associated with such condition or disease.
§ 249.5 Comparison with other products.

Advertising for an over-the-counter drug should not contain direct or indirect representations that it is more effective or superior or preferable to any other product unless the advertiser has established and can demonstrate that such is the fact. Claims that a drug is more powerful, or faster acting, or that it produces longer lasting effects, should not be made unless such claims are specific and are based on comparative analyses and scientifically valid tests which adequately establish the truth of such claims. Daning comparatives (which leave unanswered the question "than what?") should not be used.

§ 249.6 New drugs.

An advertising claim that an over-the-counter drug is a new product after 6 months from the time it was placed on the market is subject to question; Provided, however, That this is not to be interpreted as in any way conflicting with the definition of a new drug in the Federal Food, Drug and Cosmetic Act.

§ 249.7 Responsibilities of advertising agencies.

An advertising agency which prepares or disseminates advertising of its principal, containing representations the agency knows, or has reason to believe, are false or misleading or unfair, shares equal responsibility with its principal for the deception, even though such advertising may have been approved by its principal's legal counsel and scientists.

§ 249.8 Deceptive pricing.

Members of the industry should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

Note: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings. See Part 233 of this chapter for the Guides Against Deceptive Pricing.

§ 249.9 Deceptive use or limitation of trade or corporate names, trademarks, etc.

An industry member should not use any trade name, corporate name, trademark or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other material respect.

§ 249.10 Defamation of competitors or false disparagement of their products.

An industry member should not engage in (a) the defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or (b) the false disparagement of the quality, grade, origin, use, design, performance, properties, manufacture, or distribution of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services.

§ 249.11 Misrepresentation of the character and size of business, extent of testing, etc.

Industry members should not misrepresent directly or indirectly: (a) The length of time they have been in business; or (b) The extent of their sales; or (c) Their rank in the industry as producers or distributors of a product or type of product; or (d) That they are manufacturers of industry products; or (e) That they own or operate a laboratory or that their products have been tested in any particular manner or for any period of time or with any particular results; or (f) That a product, ingredient, or manufacturing process is new or exclusive; or (g) Any other material aspect of their business or products.

§ 249.12 Guarantees, warranties, etc.

(a) Industry members should not represent in advertising or otherwise that a product is guaranteed without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee;
(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor; and
(3) The manner in which the guarantor will perform thereunder; and
(4) The identity of the guarantor.

Any guarantee made by the dealer or vendor which is not backed up by the manufacturer must make it clear that the guarantee is offered by the dealer or vendor only.

(b) A seller or manufacturer should not advertise or represent that a product is guaranteed when he cannot or does not promptly and scrupulously fulfill his obligations under the guarantee.

(c) A specific example of refusal to perform obligations under the guarantee would arise in connection with the use of the phrase "Satisfaction or your money back" if the guarantor does not promptly make a full refund of the purchase price upon request, irrespective of the reason for such a request.

(d) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees," and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." An express "guarantee" or "warranty" should not contain limitations, disclaimers, or provisos which purport to deprive members of the public of any rights which they would have in the absence of such express provisions.

Note: The Commission's Guides Against Deceptive Advertising of Guarantees furnish additional guidance respecting guarantee representations. See Part 239 of this Chapter for Guides Against Deceptive Advertising of Guarantees.

Issued: March 18, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, Secretary.

[F.R. Doc. 69-3239; Filed, Mar. 18, 1969; 8:45 a.m.]

A product should not be represented as having certain capabilities unless such representations are true, and an advertiser should not make such representations unless he has substantiating data fully supporting them.
DEPARTMENT OF THE TREASURY

SURETY COMPANY OF THE PACIFIC
Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 3 of the United States Code. An underwriting limitation of $54,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Surety Company of the Pacific
Los Angeles, California

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

[Seal]
JOHN K. CARLOK,
Fiscal Assistant Secretary.

[FR Doc. 69-3277; Filed, Mar. 18, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MONTANA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 11, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands with in the areas described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the 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 Federal use or purpose.

2. The public lands located within the following described areas are shown on maps on file in the Billings District Office, Bureau of Land Management, Billings, Mont. 59101, and Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont. 59101.

The overall description of the area is as follows:


carbons

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-1418) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands within the areas described in paragraph 3 for multiple-use management. 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 Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all public lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. Sec. 334) and from sales under section 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 Federal use or purpose.

The purchaser will be required to pay the cost of publication of an announcement of this offering. 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.

Any adverse claimants to the above-described land should file their claims or objections with the undersigned within 30 days of the filing of this notice.

A. JOHN HILLSAMER,
Acting Manager, Nevada Land Office.

[F.R. Doc. 69-3246; Filed, Mar. 18, 1969; 8:45 a.m.]

[Serial No. N-1194]

OREGON

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 12, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-1418) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands within the areas described in paragraph 3 for multiple-use management. 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 Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all public lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. Sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) the lands described in paragraph 3 are further segregated from appropriation under the mining laws (30 U.S.C. Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The lands proposed to be classified are located within Gilliam, Sherman, Wasco, and Wheeler Counties and are shown on maps on file in the Prineville District Office, Bureau of Land Management, Prineville, Oreg. 97754 and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. 97208. The maps are designated OR 4377, 2411.2, 30-05, February 1969.
<table>
<thead>
<tr>
<th>T. 10 S., R. 18 E.</th>
<th>Sec. 1, lot 9, 10, 11, and 12; T. 13 S., R. 12 E.</th>
<th>Sec. 4, NNE 1/4 SW 1/4; and SE 1/4 SW 1/4; Sec. 14, 13, 14, 15, and 16; Sec. 33, lots 1, 2, and 3.</th>
</tr>
</thead>
<tbody>
<tr>
<td>T. 13 S., R. 10 E.</td>
<td>Sec. 12, lots 2, 3, and 4; T. 13 S., R. 12 E.</td>
<td>Sec. 18, NNE 1/4 SW 1/4 and SW 1/4 SE 1/4; Sec. 31, lots 2, 3, and 4; and Sec. SE 1/4 SW 1/4.</td>
</tr>
<tr>
<td>T. 13 S., R. 11 E.</td>
<td>Sec. 14, NNE 1/4 SW 1/4; and SW 1/4 SE 1/4; Sec. 18, NNE 1/4 SW 1/4 and SW 1/4 SE 1/4; Sec. 31, lots 2, 3, and 4; and Sec. SE 1/4 SW 1/4.</td>
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The areas described aggregate approximately 2,764 acres of public lands.

5. For a period of 60 days from the date of publication of this notice in the Federal Register, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 135 East 4th Street, Prineville, Ore. 97754.

6. Public hearings on the proposed classification will be held at 10 a.m., April 16, 1969, at the Courthouse in Condon, Oreg.; at 10 a.m., April 16, in the Courthouse at The Dalles, Oreg.; and at 10 a.m., April 17, at the Courthouse in Madras, Oreg.

DANIEL P. BAKER, Assistant State Director.

[ORDER 2508, P. R. Doc. 69-3247; Filed, March 19, 1969; 8:45 a.m.]

Office of the Secretary

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PROPYLTHIOURACIL, METHIMAZOLE, AND IOTHIOURACIL SODIUM

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Propylthiouracil Tablets, 50 milligrams; marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 6-214).

2. Propylthiouracil Tablets, 50 milligrams; marketed by Cole Pharmaceutical Co., Inc., 3721 Laclade Avenue, St. Louis, Mo. 63106 (NDA 6-418).

3. Propylthiouracil Tablets, 50 milligrams; marketed by Eli Lilly Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6-213).

4. Propylthiouracil Tablets, 50 milligrams; marketed by Lederle Laboratories, Division of American Cyanamid Co., West Middletown Road, Pearl River, N.Y. 10965 (NDA 6-188).

5. Propylthiouracil Tablets, 50 milligrams; marketed by Parke, Davis & Co., 7171 Post Office Box 618, Indianapolis, Ind. 46206 (NDA 7-517).


7. Propylthiouracil Tablets, 50 milligrams; marketed by the Upjohn Co., 7171 Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6-255).

8. Tapazole (Methimazole) Tablets, 5 and 10 milligrams; marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 7-765).

9. Iotrol Sodium (Iothiouracil Sodium) Tablets, 50 milligrams; marketed by Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 7-766).

The Food and Drug Administration has concluded that:

1. Propylthiouracil and methimazole are effective for treatment of hyperthyroidism and to ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

2. Propylthiouracil is possibly effective for thyroiditis.

3. Iotrol sodium is effective for mild hyperthyroidism.

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

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

I. PROPYLTHIOURACIL

A. Effectiveness classification. 1. The Food and Drug Administration has considered reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and concludes that propylthiouracil is effective for the treatment of hyperthyroidism and to ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

2. The Administration regards the drug as "possibly effective" for thyroiditis.

B. Form of drug. Propylthiouracil preparations are in tablet form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the conditions announced below.

C. Labeling conditions. 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription." It is not included in the labeling conditions for propylthiouracil used judiciously as an effective drug in hyperthyroidism complicated by pregnancy. Because it readily crosses placental membranes and can induce goiter and even cretinism in the developing fetus, it is important that a sufficiently long interval follow the time of last administration of propylthiouracil. The drug does not inactivate thyroxine and triiodothyronine already made and stored in colloid or circulating in the blood, nor does it alter thyroid hormones given by mouth or by injection.

INDICATIONS

Hyperthyroidism. To ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

CONTRAINDICATION

Hypersensitivity. WARNING

PREGNANCY: Propylthiouracil is used judiciously as an effective drug in hyperthyroidism complicated by pregnancy. Because it readily crosses placental membranes and can induce goiter and even cretinism in the developing fetus, it is important that a sufficiently long interval follow the time of last administration of propylthiouracil. The drug does not inactivate thyroxine and triiodothyronine already made and stored in colloid or circulating in the blood, nor does it alter thyroid hormones given by mouth or by injection.

INDICATIONS

Hyperthyroidism. To ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

CONTRAINDICATION

Hypersensitivity. WARNING

PREGNANCY: Propylthiouracil is used judiciously as an effective drug in hyperthyroidism complicated by pregnancy. Because it readily crosses placental membranes and can induce goiter and even cretinism in the developing fetus, it is important that a sufficiently long interval follow the time of last administration of propylthiouracil. The drug does not inactivate thyroxine and triiodothyronine already made and stored in colloid or circulating in the blood, nor does it alter thyroid hormones given by mouth or by injection.

ADVERSE REACTIONS

Adverse reactions are probably less than 3 percent. Minor adverse reactions include: Skin rash, urticaria, nausea, vomiting, epigastric distress, arthralgia, paresthesias, loss of taste, abnormal loss of hair, myalgia, headache, pruritis, dressiness, neuritis, edema, vertigo, lacrimation, pruritis, sicca syndrome, saliadenopathy, and lymphadenopathy.

Major adverse reactions (much less common than the minor adverse reactions) include the following: colloid goiter, hypothyroidism, leukopenia, granulopenia, and opportunistic infection. Drug fever, a lupus-like syndrome, meningitis, pericarditis, and hypoproteinemia.

It should be noted that about 10 percent of patients with hyperthyroidism have leukopenia (count of white blood cells of less than 4,000/mm^3), often with relative granulocytosis.

DOSE AND ADMINISTRATION

Adult: The total daily adult dose of propylthiouracil is usually administered in three equal doses at approximately 8-hour intervals. The initial dose is 300 milligrams daily. In patients with severe hyperthyroidism, very large goiters, or both, the initial dosage usually should be 400 milligrams daily, an occasional patient will require 600-800 milligrams daily initially. The "maintenance daily dose" is usually 100-150 milligrams.

Pediatric: 6-10 years—initial 50-150 milligrams for 24 hours; 10 years and over—initial 150-300 milligrams for 24 hours. Maintenance determined by the response of the patient.

D. Claims permitted during extended registration period. This notice is published to provide additional evidence. The indication for which the drug is described in paragraph A-2 above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6 months following publication hereof in the Federal Register to allow additional time for holders of previously approved applications, or persons marketing the drug without approval, to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. Marketing status. Marketing of the drug may continue under the conditions described in IV and V below of this announcement, except that for the period indicated in paragraph D above, the drug label may continue to be used for 6 months following publication hereof in the Federal Register to allow additional time for holders of previously approved applications, or persons marketing the drug without approval, to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

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

II. METHIMAZOLE

A. Effectiveness classification. The Food and Drug Administration has considered a report of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and concludes that methimazole is effective for treatment of hyperthyroidism and to ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

B. Form of drug. Methimazole preparations are in tablet form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in
Major adverse reactions (much less common than the minor adverse reactions) include: Inhibition of myelopoiesis (agranulocytosis, granulopenia, and thrombocytopenia), drug fever, a lupus-like syndrome, hepatitis, periarteritis, and hyperprothrombinemia.

It should be noted that about 10 percent of patients with untreated hyperthyroidism have leukopenia (counts of white blood cells of less than 4,000 mm\(^{-3}\)), often with relative granulopenia.

**DOSAGE AND ADMINISTRATION**

**Adult:** Initial—usually 15 milligrams daily for mild hyperthyroidism, 30 to 40 milligrams daily for moderate hyperthyroidism, and 60 to 80 milligrams daily divided into three doses at intervals of 8 hours for severe cases. Maintenance—5 to 15 milligrams daily.

**Pediatric:** Initial—0.4 milligram per kilogram for 24 hours. Maintenance approximately one-half initial dose.

**Marketing status.** Marketing of the drug may continue under the conditions described in IV and V below of this announcement.

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

**III. IOTHIOURACIL SODIUM**

**A. Effectiveness classification.** The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and concludes that iothiouracil sodium is effective for mild hyperthyroidism.

**B. Form of drug.** Iothiouracil sodium preparations are in tablet form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

**C. Labeling conditions.**

1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription." (Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

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

**DESCRIPTION**

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

**WANTIONS**

**Pregnancy:** Iothiouracil used judiciously is an effective drug in hyperthyroidism complicated by pregnancy. Because it readily crosses placental membranes and can induce goiter and even cretinism in the developing fetus, it is important that a sufficient, but not excessive, dose be given. In many pregnant women the thyroid dysfunction diminishes as the pregnancy proceeds, thus making doses of more than 150 to 200 milligrams daily possible. In instances iothiouracil can be withdrawn 2 or 3 weeks before delivery.

**Adverse reactions** are probably less than 3 percent.

**Major adverse reactions** include: Skin rash, urticaria, nausea, vomiting, epigastric distress, arthralgia, paresthesias, loss of taste, abnormal loss of hair, myalgia, headache, pruritis, drug fever, a lupus-like syndrome, hepatitis, periarteritis, and hyperprothrombinemia.

It should be noted that about 10 percent of patients with untreated hyperthyroidism have leukopenia (counts of white blood cells of less than 4,000 mm\(^{-3}\)), often with relative granulopenia.

**Dosage and Administration**

**Usual daily dosage:** Initial—500 milligrams daily in mild hyperthyroidism; divided into 3 doses at intervals of 8 hours; maintenance—150 to 200 milligrams daily.

**Marketing status.** Marketing of the drug may continue under the conditions described in IV and V below of this announcement.

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

IV. PREVIOUSLY APPROVED APPLICATIONS

A. Each holder of a "deemed approved" new-drug application (that is, an application which became effective on the date of the publication of the regulations in the Federal Register) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

1. Revised labeling as needed to conform with the labeling conditions described herein for the drug.
2. Adequate data to assure the biologic availability of the drug in the formulation which is marketed; if such data are already included in the application, specific reference thereto may be made.
3. Updating information as needed to make the application current in regard to items 6 (components) and 7 (composition) of the new-drug application form FD-356H and, to the extent described herein, for new applications, item 8 (methods, facilities, and controls) of FD-356H.

B. Such supplements should be submitted within the following time periods after the date of publication of this notice in the Federal Register:

1. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time.
2. 180 days for biologic availability data.
3. 60 days for updating information.

C. Marketing of the drug may continue until the supplemental applications submitted in accordance with paragraphs A and B above have been approved, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

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

1. Within 60 days from the date of publication of this announcement in the Federal Register, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.
2. The manufacturer, packer, or distributor of such drug submits within 180 days from the publication date of this announcement, a new-drug application to the Food and Drug Administration.
3. The applicant submits within a reasonable time additional information that may be required for approval of the application as specified in a written communication from the Food and Drug Administration.
4. The application has not been ruled incomplete or unapprovable.

V. NEW APPLICATIONS

A. Any other person who distributes or intends to distribute such a drug intended for the conditions of use for which it has been shown to be effective should submit a new-drug application meeting the conditions specified in this announcement.

B. Such applications should include:

1. Proposed labeling which is in accord with the labeling conditions herein.
2. Adequate data to assure the biologic availability of the drug in the formulation marketed or proposed for marketing.
3. Safe and effective information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (i.e., or OTC statement), 6 (components), and 7 (composition), of the new-drug application form FD-356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of FD-356H, brief statements that:
   a. Identify the place where the drug will be manufactured, processed, packaged, and labeled.
   b. Identify any person other than the applicant who performs a part of those operations and designate the part.
   c. Include certification from the applicant and from any person identified in subparagraph b above that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.
   d. Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.
   e. Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.
   f. Include certification from the applicant and from any person other than the applicant who performs a part of those operations and designate the part.

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

1. Within 60 days from the date of publication of this announcement, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.
2. The manufacturer, packer, or distributor of such drug submits, within 180 days from the publication date of this announcement, a new-drug application to the Food and Drug Administration.
3. The applicant submits within a reasonable time additional information that may be required for approval of the application as specified in a written communication from the Food and Drug Administration.
4. The application has not been ruled incomplete or unapprovable.

VI. UNAPPROVED USE OR FORM OF DRUG

A. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it will be regarded as an unapproved new drug subject to regulatory proceedings until such time as the conditions of use described herein have been shown to be effective.

B. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, it will be regarded as an unapproved new drug subject to regulatory proceedings until such time as the conditions of use described herein have been shown to be effective.

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

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of the drug in such similar composition and labeling to the subject drugs or any other interested person may obtain a copy by requesting it to the appropriate office named below.

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

Requests for NAS-NRC report: Press Relations Office (CE-300).
Supplements: Bureau of Medicine.
Original new-drug applications: Bureau of Medicine.

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

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 506, 52 Stat. 1660-51, as amended; 21 U.S.C. 355, 356) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 12, 1969.

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

[H.R. Doc. 69-3244, Filed, Mar. 18, 1969; 8:45 a.m.]

HOPS EXTRACT CORPORATION OF AMERICA

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 533468) has been filed by Hops Extract Corp. of America, Post Office Box 341, Yakima, Wash. 98901, proposing the issuance of a food additive regulation (21 CFR Part 184) for the safe use in beer production of a modified hop extract processed with methyl chloride, hexane, and methyl alcohol as solvents.

Dated: March 12, 1969.

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

[H.R. Doc. 69-3293, Filed, Mar. 18, 1969; 4:46 a.m.]

Office of Education

APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing

Correction

In F.R. Doc. 69-3294 appearing at page 5128 of the issue for Wednesday, March 12, 1969, delete the sixth line in
NOTICES

ORDER APPROVING CONTROL RELATIONSHIPS
Issued under delegated authority.

Application of Novo Industrial Corp. and Hourly Messengers, Inc., for approval pursuant to section 408 of the Federal Aviation Act.

By application filed February 29, 1969, Novo Industrial Corp. (Novo) and Hourly Messengers, Inc. (Hourly), request approval under section 408 of the Federal Aviation Act of 1958, as amended, (the Act) of Novo's acquisition of Hourly by means of a tax free exchange of Novo and Hourly stock.

Novo is a diversified company with manufacturing and service divisions and subsidiaries in the United States and Canada. It has acquired three air freight forwarders in the past several years and also currently controls two interstate common carriers.

Hourly has been operating as a contract motor common carrier providing a packaged delivery service with respect to certain products and materials between points in Pennsylvania, Delaware, New Jersey, New York, and Washington, D.C.

The Interstate Commerce Commission recently decided to make permanent Hourly's temporary certificate of public convenience and necessity and thereby authorize Hourly to provide small package service between specified counties in the Philadelphia area and counties in New Jersey and Delaware.

This authority, however, is subject to several restrictions.

No comments relative to the application have been received.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument now assigned to be held on April 23 is postponed to May 21, 1969, at 10 a.m., and Washington, D.C., before the Board.

Dated: March 12, 1969.

ROBERT H. FINCH, Secretary.

CIVIL AERONAUTICS BOARD

Notices of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on April 23 is postponed to May 21, 1969, at 10 a.m., and Washington, D.C., before the Board.


FEDERAL REGISTER, VOL. 34, NO. 53—WEDNESDAY, MARCH 19, 1969

[seal.] THOMAS L. WEHN, Chief Examiner.

[Fr. Doc. 69-3286; Filed, Mar. 18, 1969; 8:46 a.m.]

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

FEDERAL MARITIME COMMISSION

Notices

ORDER OF REVOCATION

This order is issued under authority of section 68-11-61, Nov. 14, 1968.

On January 17, 1969, the Fidelity and Deposit Company of Maryland notified the Commission that the Independent
Ocean Freight Forwarder Surety Bond No. 70-62789, underwritten in behalf of Helm's International, Inc., 1610 Lincoln Highway West, Irwin, Pa. 15642, would be canceled effective February 20, 1969. Helm's International, Inc., was notified that the previously submitted bond was submitted to the Commission, its Independent Ocean Freight Forwarder License No. 1113 would be canceled effective February 20, 1969, pursuant to General Order 4, Amendment 12 (44 CFR 510.9).

Helm's International, Inc., has failed to submit a valid surety bond in compliance with the above rule.

It is ordered, That the Independent Ocean Freight Forwarder License No. 1113 is revoked effective February 20, 1969, and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 1113 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the Federal Register and served on the licensee.

LEOY F. FULLER, Director, Bureau of Domestic Regulation.

[Bar B. Doc. 69-3288; Filed, Mar. 18, 1969; 8:48 a.m.]

O.A.K. SHIPPING SERVICE, INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor;

Revisions

Notice is hereby given that the follow-
ing applicants have filed with the Fed-
eral Maritime Commission applications for licenses as independent ocean freight for-
warders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.


Mark O'Hara, 4109 West 101st Street, Ingle-
wood, Calif.

Birdsell Construction Co., 921 Avenue E, Riviera Beach, Fla.

Arthur Jacobs, 3215 Burke Avenue, Bronx,

N.Y.

L. Graja & T. Caoral, Inc. c/o William A. Barta, Room 1117, 90 Broadway, New York, N.Y.

Monumental-Security Storage Co., 3006

Pearl Drive, Baltimore, Md.

Luis Hernandez, Hero International, 950

Southwest 69 Avenue, Miami, Fla.

Regis F. Kramer & Co., 5428 West 104th

Street, Los Angeles, Calif.

Dated: March 14, 1969.

THOMAS LUZI, Secretary.

[F.R. Doc. 69-3289; Filed, Mar. 18, 1969; 8:48 a.m.]
NOTICES

FEDERAL REGISTER, VOL. 34, NO. 53—WEDNESDAY, MARCH 19, 1969

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section 7 of the Natural Gas Act.

Applicants are able and willing properly to do the acts and perform the duties the proceeding and to comply with the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

The sales of natural gas by Applicants in the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.

(4) The sales of natural gas as hereinbefore described, for resale or for sale in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a 'natural-gas company,' within the meaning of the Natural Gas Act upon the commencement of service under the authorities hereinafter granted.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to the holders of Dockets Nos. CI64-1130, CI65-606, CI69-558 shall be amended by deleting therefrom the subject area.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity that the orders issued said certificates should be amended by deleting therefrom the subject area, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI64-1130, CI65-606, and CI69-558 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax

(b) Within 90 days from the date of issuance of the certificates the orders amending the same shall be made co-respondent in the proceeding pending in Docket No. R168-91; that said proceeding should be redelegated accordingly; and that the Petroleum Management, Inc. (Operator) et al., should be required to file a surety bond in said proceeding in the sum of $5,000,000.

(c) The certificate issued herein and the amended certificates are subject to the following conditions:

The certificates hereby issued to Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.

(3) Applicants are able and willing properly to do the acts and perform the duties the proceeding and to comply with the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(2) The sales of natural gas herein described are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to the holders of Dockets Nos. CI64-1130, CI65-606, CI69-558 shall be made effective and available as hereinafter ordered and conditioned.

The certificates hereby issued to Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issued said certificates should be amended by deleting therefrom the subject area, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI64-1130, CI65-606, and CI69-558 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax

(b) Within 90 days from the date of issuance of the certificates the orders amending the same shall be made co-respondent in the proceeding pending in Docket No. R168-91; that said proceeding should be redelegated accordingly; and that the Petroleum Management, Inc. (Operator) et al., should be required to file a surety bond in said proceeding in the sum of $5,000,000.

(c) The certificate issued herein and the amended certificates are subject to the following conditions:

The certificates hereby issued to Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.

(3) Applicants are able and willing properly to do the acts and perform the duties the proceeding and to comply with the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(2) The sales of natural gas herein described are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to the holders of Dockets Nos. CI64-1130, CI65-606, CI69-558 shall be made effective and available as hereinafter ordered and conditioned.

The certificates hereby issued to Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issued said certificates should be amended by deleting therefrom the subject area, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI64-1130, CI65-606, and CI69-558 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax

(b) Within 90 days from the date of issuance of the certificates the orders amending the same shall be made co-respondent in the proceeding pending in Docket No. R168-91; that said proceeding should be redelegated accordingly; and that the Petroleum Management, Inc. (Operator) et al., should be required to file a surety bond in said proceeding in the sum of $5,000,000.

(c) The certificate issued herein and the amended certificates are subject to the following conditions:

The certificates hereby issued to Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issued said certificates should be amended by deleting therefrom the subject area, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI64-1130, CI65-606, and CI69-558 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax

(b) Within 90 days from the date of issuance of the certificates the orders amending the same shall be made co-respondent in the proceeding pending in Docket No. R168-91; that said proceeding should be redelegated accordingly; and that the Petroleum Management, Inc. (Operator) et al., should be required to file a surety bond in said proceeding in the sum of $5,000,000.

(c) The certificate issued herein and the amended certificates are subject to the following conditions:

The certificates hereby issued to Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issued said certificates should be amended by deleting therefrom the subject area, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI64-1130, CI65-606, and CI69-558 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax

(b) Within 90 days from the date of issuance of the certificates the orders amending the same shall be made co-respondent in the proceeding pending in Docket No. R168-91; that said proceeding should be redelegated accordingly; and that the Petroleum Management, Inc. (Operator) et al., should be required to file a surety bond in said proceeding in the sum of $5,000,000.

(c) The certificate issued herein and the amended certificates are subject to the following conditions:

The certificates hereby issued to Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issued said certificates should be amended by deleting therefrom the subject area, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI64-1130, CI65-606, and CI69-558 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax

(b) Within 90 days from the date of issuance of the certificates the orders amending the same shall be made co-respondent in the proceeding pending in Docket No. R168-91; that said proceeding should be redelegated accordingly; and that the Petroleum Management, Inc. (Operator) et al., should be required to file a surety bond in said proceeding in the sum of $5,000,000.

(c) The certificate issued herein and the amended certificates are subject to the following conditions:

The certificates hereby issued to Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates hereinafter issued are conditioned accordingly.
including tax reimbursement, and subject to upward and downward B.t.u. adjustment. Further the certificate is conditioned by limiting the buyer's take-or-pay obligation of gas well gas to a quantity based on a 1 to 1200 reserve ratio of gas well gas reserves.

(i) The authorizations granted in Dockets Nos. C167-224 and C169-587 are conditioned upon any determination which may be made in the proceeding pending in Docket No. B-383 with respect to the transportation of liquefiable hydrocarbons.

The acceptance for filing of the related rate filings in Dockets Nos. CI64-1441 and CI64-1443 is contingent upon Applicant's filing three copies of a billing statement for each rate schedule as required by the regulations under the Natural Gas Act.

(F) A certificate is issued herein in Docket No. CI69-574 authorizing Mobil Oil Corp. to continue the sale of natural gas previously covered by the certificate issued to the operator, Newman Brothers Drilling Co., in Docket No. CI67-1626.

(G) The order issuing a certificate in Docket No. CI67-1626 is amended by deleting thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) Docket No. CI68-575 is canceled.

(I) The orders issuing certificates in Dockets Nos. G-20130, G-606, G158-842, CI65-1193, and CI68-1143 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(J) The orders issuing certificates in Dockets Nos. G-13386, CI62-655, and CI69-587 are amended by deleting therefrom authorization to sell natural gas from reserves assigned to Applicants in Dockets Nos. CI64-1394, CI66-290, CI66-1110, CI66-1136, and CI66-1137 which are amended by substituting the successors in interest as certificate holders.

(M) Permission for and approval of the abandonment of service by Applicant, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(N) The certificates heretofore issued in Dockets Nos. CI60-529, CI63-975, CI63-1213, CI64-899, CI64-1290, CI65-88, CI66-734, CI66-1284, and CI66-588 are terminated.

(O) Valor Production Co. and Valor Production Co. (Operator) et al., are made co-respondents in the proceeding pending in Docket Nos. R166-339 and R166-375, respectively; the proceedings are redesignated accordingly; and the agreements and undertakings submitted by Valor in said proceedings are accepted for filing.

(P) Valor Production Co. and Valor Production Co. (Operator) et al. shall comply with the refunding and reporting procedure required by the Natural Gas Act and §154.102 of the regulations thereunder, and the agreements and undertakings filed in Dockets Nos. R166-336 and R166-375 shall remain in full force and effect until discharged by the Commission.

(Q) Petroleum Management, Inc. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. R168-91 and the proceeding is redesignated accordingly. The rate, charges, and classifications set forth in Supplement No. 11 to Petroleum Management, Inc. (Operator) et al., FPC Gas Rate Schedule No. 4 shall be effective as of February 1, 1968. The rate of 15 cents per Mcf at 14.65 p.s.i.a. shall be charged and collected for sales made prior to February 1, 1968; and the rate of 10 cents per Mcf at 14.65 p.s.i.a. shall be charged and collected for sales made on or after February 1, 1968.

*Temporary certificate.
<table>
<thead>
<tr>
<th>Docket No. and date filed</th>
<th>Applicant</th>
<th>Purchaser, field, and location</th>
<th>FPC rate schedule to be accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>C164-1442 E 6-1-67</td>
<td>Valor Production Co. (Operator et al., successor to Ray D. Sorrells (Operator et al.)</td>
<td>Apache Gathering Co., Lincoln Field, Bee County, Tex.</td>
<td>Y. D. Sorrells et al., FPC G.R.S. No. 3, Supplement No. 1</td>
</tr>
<tr>
<td>C165-1122 E 11-16-68</td>
<td>E. P. York et al., d/b/a Wolfpen Oil &amp; Gas Co. (successor to L. E. Farnsworth et al., d/b/a Wolfpen Oil &amp; Gas Co.)</td>
<td>Carnegie Natural Gas Co., Union District, Rutledge County, W. Va.</td>
<td>Agreement 11-16-68, 1968</td>
</tr>
<tr>
<td>C165-1597 E 11-14-68</td>
<td>Harvey L. Sirt, d/b/a Burnt Star Gas Co. (successor to L. E. Farnsworth et al., d/b/a Wolfpen Oil &amp; Gas Co.)</td>
<td>Harvey L. Sirt, d/b/a Burnt Star Gas Co.</td>
<td>Agreement 11-14-68, 1968</td>
</tr>
</tbody>
</table>

See footnotes at end of table.
<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Applicant</th>
<th>Purchase, field, and location</th>
<th>FCC rule schedule to be accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>C169-570</td>
<td>Margaret J. Wells, agent for Oliver Jennings</td>
<td>United Fuel Gas Co., 623 E. 20th St., 10th Floor, Oklahoma City, Okla.</td>
<td>Notice of cancellation</td>
</tr>
<tr>
<td>C169-571</td>
<td>Mobil Oil Corp.</td>
<td>Montana-Dakota Utilities Co., Big Horn Area, Big Horn County, Wyoming</td>
<td>Ratified</td>
</tr>
<tr>
<td>C169-573</td>
<td>Helen F. York, agent for Ritchie Gas Co.</td>
<td>Carnegie Natural Gas Co., 1000 E. Houston St., Houston, Texas</td>
<td>Compliance 1-20-69</td>
</tr>
<tr>
<td>C169-574</td>
<td>Helen F. York, agent for Ritchie Gas Co.</td>
<td>Cortez District, Sheridan County, Wyo.</td>
<td>Compliance 1-20-69</td>
</tr>
<tr>
<td>C169-575</td>
<td>Walter J. Smith et al.</td>
<td>Cabot District, Cottonwood County, Texas</td>
<td>Compliance 1-20-69</td>
</tr>
<tr>
<td>C169-576</td>
<td>Francis Calo</td>
<td>Midwest Oil Corp.</td>
<td>Compliance 1-20-69</td>
</tr>
<tr>
<td>C169-577</td>
<td>Cherokee Gas Corp. (Operator) et al.</td>
<td>South Texas Natural Gas Gathering Co., South Texa, Mustang Fields, Lawton, Oklahoma</td>
<td>Notice of cancellation</td>
</tr>
<tr>
<td>C169-578</td>
<td>Cherokee Gas Corp. (Operator) et al.</td>
<td>Texoco Transportation Corp., Westland Field, Kansas City, Kansas</td>
<td>Notice of cancellation</td>
</tr>
<tr>
<td>C169-581</td>
<td>Tennessee Oil Co.</td>
<td>Lone District, Coos County, Oregon</td>
<td>Notice of cancellation</td>
</tr>
<tr>
<td>C169-582</td>
<td>Star Gas Co.</td>
<td>United Fuel Gas Co., 623 E. 20th St., 10th Floor, Oklahoma City, Okla.</td>
<td>Notice of cancellation</td>
</tr>
<tr>
<td>C169-583</td>
<td>Quaker State Oil Refining Co. (Operator) et al.</td>
<td>The Ohio Fuel Co., 310 N. Broadway, Columbus, Ohio</td>
<td>Notice of cancellation</td>
</tr>
<tr>
<td>C169-585</td>
<td>Mobil Oil Corp.</td>
<td>El Paso Natural Gas Co., 623 E. 20th St., 10th Floor, El Paso, Texas</td>
<td>Notice of cancellation</td>
</tr>
<tr>
<td>B 12-24-68</td>
<td>Charles F. White (Operator)</td>
<td>United Fuel Gas Co., 623 E. 20th St., 10th Floor, Oklahoma City, Okla.</td>
<td>Notice of cancellation</td>
</tr>
</tbody>
</table>

1. No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
2. Transfer properties from Standard Oil Co. of Texas to John E. Hume who received certificate (as filed in Docket No. CI69-587 as a partial assignment).

**NOTICES 5401**

- Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
- Amendment to the certificate issued to reflect changes in corporate name.
- Authorization to the certificate issued to reflect changes in corporate name.
- Documents thereby signed were not executed in accordance with property.
- Assignment of interest from Atlantic to Cal-Mon Oil Co.
- Assignment of interest from California to Atlantic.
- Assignee from Central Oil Co. to Atlantic Refining Co., Inc., to a depth of 3,385 feet.
- Assignee from Forest Oil Corp. to Petroleum Management, Inc., to a depth of 3,385 feet.
- Assignee from Town and Country Oil Co. to Petroleum Management, Inc., to a depth of 3,385 feet.
- Assignee from Forest Oil Corp. to Petroleum Management, Inc., to a depth of 3,385 feet.
- By letter filed Dec. 28, 1968, Applicant expressed willingness to accept certificate at the rate of 15 cents per MCF.

**Suspected Surety Bond Form:**

**Surety Bond**

**Know All Men by These Presents:**

That we (Name and address of the natural gas company) (hereinafter called "Surety")

1. As Principal, and (Name and address and place of Incorporation of Surety Bond Company) (hereinafter called "Surety") this
2. Are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called[" understands that the Surety Bond Company is not liable for any amount in excess of the amount of such federal tax saved.

**In witness whereof:**

[Signature]

[Signature]

[Signature]
NOTICES

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 12, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereto.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act, and the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(1) Well and truly repay at such times and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review.

To be included if a noncorporate respondent.

The "Oblige") 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 principals, and the surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Condition of this obligation is that:

Whereas (Name of respondent), on (Date of original filing), with the Federal Power Commission (herein called the Commission) filed Supplement No. _______ to Respondent's FPC Gas Rate Schedule No. _______ proposing to increase a rate and charge over which the Commission has exercised jurisdiction.

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, change, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspension 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

Whether or not the Commission finds 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 _______.

[Signature]
Principal

Surety

[Signature]

FEDERAL REGISTER, VOL. 34, NO. 53—WEDNESDAY, MARCH 19, 1969

APPENDIX A

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Respondent</th>
<th>Rate schedule No.</th>
<th>Purchaser and producing area</th>
<th>Amount of annual increase</th>
<th>Date filing tendered</th>
<th>Effective dates unless suspended</th>
<th>Date suspended until</th>
<th>Proposed increased rate</th>
<th>Rate in effect</th>
<th>Relationship to refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>RI69-418</td>
<td>Lesh Co., Inc., Lynch, Chapell, Alden &amp; Hamilton, 201 Wall Street, P.O. Box 1648, County, Tex.</td>
<td>13</td>
<td>Natural Gas Pipeline Co. of America (Anamosa Field, Jim Wells, 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, and thereafter until made effective in the manner prescribed by the Natural Gas Act relating thereto, then this obligation shall be terminated, otherwise to remain in full force and effect.</td>
<td>$20,950</td>
<td>2-10-69</td>
<td>2-10-69</td>
<td>2-12-69</td>
<td>3-14-69</td>
<td>$11.54</td>
<td>$14.15</td>
</tr>
</tbody>
</table>

1If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for the producer to file an agreement and undertaking as provided herein.

2In 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.
Lesh Co. (Lesh) requests waiver of the statutory notice in order that its proposed rate change may be made effective immediately. Good cause has not been shown for waiving the statutory notice required by provision in section 4(d) of the Natural Gas Act to permit an earlier effective date for Lesh's rate filing and such request is denied. Lesh's predecessor in interest, Barron Kidd and C. R. Smith, previously filed the same 15.5-cent rate proposed herein which was suspended for 5 months but never collected, subject to refund, in Docket No. RI65-425 (Supplement No. 10 to Kidd and Smith's FPC Rate Schedule No. 1). Lesh in its successional filing applied for a 14.5-cent rate, the last effective rate not subject to refund collected by its predecessor, and a certificate was issued to Lesh to continue the service of its predecessor at the 14.5-cent per Mcf rate. Lesh's proposed 15.5-cent rate exceeds the 14.6-cent per Mcf increased rate ceiling for rate schedules involved in second amendment settlements in this area and should be suspended. Since the predecessor under the subject rate schedule had already filed to the same rate proposed here by Lesh, and such rate has been previously suspended for 5 months and Lesh's instant rate filing should be suspended for only 1 day from March 15, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-3241; Filed, Mar. 18, 1969; 8:45 a.m.]

ORDER PROVIDING FOR HEARING ON AND SUSPENSION OF PROPOSED CHANGES IN RATES, AND ALLOWING RATE CHANGES TO BECOME EFFECTIVE SUBJECT TO REFUND

MARCH 12, 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 thereto.

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. 1), 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.

(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 May 1, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT, Secretary.

If an acceptable general undertaking, as provided in Order No. 571, has previously been filed by a producer, then it will 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.

**FEDERAL RESERVE SYSTEM**

ORDER APPROVING MERGER OF BANKS

In the matter of the application of: Fidelity Bank for approval of merger with Trefoil Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Fidelity Bank, Philadelphia, Pa.,
NOTICES

LONG-AND-SHORT HAUL

FSA No. 41571—Motor fuel antiknock compound to Port Reading, N.J. Filed by Southwestern Freight Bureau, agent (No. B-12), for interested rail carriers. Rates on motor fuel antiknock compound, in tank cars, as described in the application, from Chaison and Houston, Tex., to Port Reading, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, agent, tariff ICC 4834.

By the Commission.

[SEAL]

H. Neil Garson
Secretary.

[F.R. Doc. 69-3270; Filed, Mar. 18, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 14, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice in such rules (49 CFR 211.1c) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication. Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification, and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY


No. MC 39957—(Deviation No. 7). Motor Freight Express, Inc., Post Office Box 1029, York, Pa. 17405, filed March 6, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Pittsburgh, Pa., and Erie, Pa., over Interstate Highway 79, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to Greensburg, Pa., over U.S. Highway 30 to Uniontown, Pa., over U.S. Highway 11 to Uniontown, Pa., over U.S. Highway 422 to Warren, Ohio, over U.S. Highway 6 to New Castle, Pa., over Pennsylvania Highway 18 to Princeton, Pa., over Pennsylvania Highway 18 to Sharon, Pa., over Ohio Highway 32 to Warren, Ohio, also from Pittsburgh over U.S. Highway 18 to Fortierville, Pa., thence over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 5 to Junction Ohio Highway 79, thence over Ohio Highway 79.

INTERSTATE COMMERCE COMMISSION

FEDERAL REGISTER, VOL. 34, NO. 53—WEDNESDAY, MARCH 19, 1969

STATE member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Trefoli Bank, Philadelphia, Pa., under the charter and title of The Fidelity Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

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

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

Dated at Washington, D.C., this 12th day of March 1969.

By order of the Board of Governors.

[SEAL]

Robert P. Forrestal
Assistant Secretary.

[F.R. Doc. 69-2822; Filed, Mar. 18, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Rev. 5), Southwestern Area, Dallas, Tex.]

AREA COORDINATORS

Delegation of Authority To Conduct Program Activities in Southwestern Area

Correction

In F.R. Doc. 69-2822 appearing at page 5043 in the issue of Saturday, March 1, 1969, the agency bracket should read as set forth above.

FIFTH SECTION APPLICATION FOR RELIEF

MARCH 10, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice in such rules (49 CFR 211.1c) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication. Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification, and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59957—(Deviation No. 7). Motor Freight Express, Inc., Post Office Box 1029, York, Pa. 17405, filed March 6, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Pittsburgh, Pa., and Erie, Pa., over Interstate Highway 79, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to Greensburg, Pa., over U.S. Highway 30 to Uniontown, Pa., over U.S. Highway 11 to Uniontown, Pa., over U.S. Highway 422 to Warren, Ohio, over U.S. Highway 6 to New Castle, Pa., over Pennsylvania Highway 18 to Princeton, Pa., over Pennsylvania Highway 18 to Sharon, Pa., over Ohio Highway 32 to Warren, Ohio, also from Pittsburgh over U.S. Highway 18 to Fortierville, Pa., thence over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 5 to Junction Ohio Highway 79, thence over Ohio Highway 79.

NOTICE

Motor Carrier Alternate Route Deviation Notices

MARCH 14, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1c and 211.1d) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1d). Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided under said rules (49 CFR 211.1c) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

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

MOTOR CARRIERS OF PROPERTY


No. MC 39957—(Deviation No. 7). Motor Freight Express, Inc., Post Office Box 1029, York, Pa. 17405, filed March 6, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Pittsburgh, Pa., and Erie, Pa., over Interstate Highway 79, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 18 to Princeton, Pa., over Pennsylvania Highway 18 to Sharon, Pa., over Ohio Highway 32 to Warren, Ohio, also from Pittsburgh over U.S. Highway 18 to Fortierville, Pa., thence over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 5 to Junction Ohio Highway 79, thence over Ohio Highway 79.
to Conneaut, Ohio, then over U.S. Highway 6 to Erie, Pa., and return over the same route.

No. MC 69275 (Deviation No. 11), M & M TRANSPORTATION COMPANY, 182 Alewife Brook Parkway, Cambridge, Mass. 02139, filed March 3, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, as follows: (1) from New Castle, Del., over access road to junction Interstate Highway 95, then over Interstate Highway 95 to New York, N.Y.; (2) from Richmond, Va., over U.S. Highway 1 to Baltimore, Md.; (3) from Richmond, Va., over U.S. Highway 40 to junction U.S. Highway 13 to Philadelphia, Pa., and then over U.S. Highway 1 to Baltimore, Md.; (4) from Richmond, Va., over U.S. Highway 13 to Philadelphia, Pa., then over U.S. Highway 13 to Interstate Highway 95, then over Interstate Highway 95 to New York, N.Y.; (5) from Richmond, Va., over U.S. Highway 40 to junction U.S. Highway 13 to Interstate Highway 95, then over Interstate Highway 95 to New York, N.Y.; and return over the same route.

No. MC 106163 (Deviation No. 1), RED LINE TRANSFER AND STORAGE COMPANY, INC., 2600 West Sixth Avenue, Pine Bluff, Ark. 71601, filed March 3, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 70 and Arkansas Highway 11, near Hazen, Ark., over Arkansas Highway 11, New Madrid access route, to Interstate Highway 40, then over Interstate Highway 40 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Pine Bluff, Ark., over U.S. Highway 70 to Stuttgart, Ar., then over Arkansas Highway 11 to junction U.S. Highway 70, then over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

No. MC 111321 (Deviation No. 30), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764, filed March 7, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) from New Castle, Del., over access road to junction Interstate Highway 95, then over Interstate Highway 95 to New York, N.Y., and return over the same route.

No. MC 75285 (Deviation No. 6), EAST COAST TRANSIT SYSTEM, INC., 1003 West Marshall Street, Richmond, Va. 23229, filed March 4, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) from Richmond, Va., over U.S. Highway 1 to New York, N.Y.; (2) from Richmond, Va., over U.S. Highway 1 to Baltimore, Md.; (3) from Richmond, Va., over U.S. Highway 40 to junction U.S. Highway 13 to Philadelphia, Pa., and then over U.S. Highway 13 to Interstate Highway 95, then over Interstate Highway 95 to New York, N.Y.; (4) from Richmond, Va., over U.S. Highway 13 to Philadelphia, Pa., then over U.S. Highway 13 to Interstate Highway 95, then over Interstate Highway 95 to New York, N.Y.; and return over the same route.
NOTICES

over U.S. Highway 66 to Oklahoma City, Okla.


Motor Carriers of Passengers

No. MC 1515 (Deviation No. 513) (Carrier Deviation No. 538), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed March 4, 1969, Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Philadelphia, Pa., over the Schuylkill Expressway (Interstate Highway 76) to junction U.S. Highway 202, thence over U.S. Highway 202 to Paoli, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Philadelphia, Pa., over U.S. Highway 202 to Paoli, Pa., and return over the same route.
NOTICES

MOTOR CARRIERS APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 14, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission’s rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1968, which became effective January 1, 1969.

The publications hereinafter set forth the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 41119 (Sub-No. 33) (Republication), filed January 22, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: FOCHLEMAN TRUCK LINES, INC., Post Office Drawer 1504, Crowley, La. 70526. Applicant’s representative: Clyde H. MacDiway, 2112 Perry Brooks Building, Austin, Tex. 78701. In the above entitled proceeding, the examiner recommended the granting to applicant a permit authorizing operation in inter-state or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes of canned or bottled foodstuffs, and dried fruits and nuts, in containers, for the purpose of transporting passengers and their baggage, and express and newspapers in the same vehicle with passengers, and the same property over pertinent service routes as follows: From junction U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25W, thence over U.S. Highway 25W to junction Interstate Highway 75 at Lake City, Tenn., and return over the same route.

By the Commission,

(SEAL)  H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3272; Filed, Mar. 18, 1969; 6:47 a.m.]

Notice 12771

CERTAIN OTHER PROCEEDINGS

No. MC 107109 (Deviation No. 11), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Ind. 46202, filed March 3, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 41 and Interstate Highway 80-94, in Hammond, Ind., over Indiana Highway 55, thence over Indiana Highway 130, (2) from Hammond, Ind., over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Indiana Highway 130, at Valparaiso, Ind., and (3) from junction U.S. Highway 41 and Interstate Highway 80-94 in Hammond, Ind., over Interstate Highway 80-94 to junction U.S. Highway 101 to Los Angeles, and return over the same routes, for operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 41 and Interstate Highway 80-94, in Hammond, Ind., over Interstate Highway 75 to junction U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25W, thence over U.S. Highway 25W to junction Interstate Highway 75 at Lake City, Tenn., and return over the same route.

By the Commission,

(SEAL)  H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3273; Filed, Mar. 18, 1969; 6:47 a.m.]

Notice 12771

NOTICES

MOTOR CARRIERS APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 14, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission’s rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1968, which became effective January 1, 1969.

The publications hereinafter set forth the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 41119 (Sub-No. 33) (Republication), filed January 22, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: FOCHLEMAN TRUCK LINES, INC., Post Office Drawer 1504, Crowley, La. 70526. Applicant’s representative: Clyde H. MacDiway, 2112 Perry Brooks Building, Austin, Tex. 78701. In the above entitled proceeding, the examiner recommended the granting to applicant a permit authorizing operation in inter-state or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes of canned or bottled foodstuffs, and dried fruits and nuts, in containers, for the purpose of transporting passengers and their baggage, and express and newspapers in the same vehicle with passengers, and the same property over pertinent service routes as follows: (1) From Hammond, Ind., over U.S. Highway 30 to junction Indiana Highway 55, thence over Indiana Highway 55 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 130, thence over Indiana Highway 130 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 80-94, in Hammond, Ind., over Interstate Highway 80-94 to junction U.S. Highway 101 to Los Angeles, and return over the same routes, for operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, and the same property over pertinent service routes as follows: (1) From junction U.S. Highway 25 and access road, approximately 2 miles south of Corbin, Ky., over access road to Interstate Highway 75, thence over Interstate Highway 75, thence over Interstate Highway 25W, thence over Interstate Highway 25W and access road, approximately 1 mile south of Jeico, Tenn., over Interstate Highway 75 to junction U.S. Highway 25W at Lake City, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25W, thence over U.S. Highway 25W to junction Interstate Highway 75 at Lake City, Tenn., and return over the same route.

By the Commission,

(SEAL)  H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3272; Filed, Mar. 18, 1969; 6:47 a.m.]

Notice 12771

CERTAIN OTHER PROCEEDINGS

No. MC 107109 (Deviation No. 11), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Ind. 46202, filed March 3, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 25 and access road, approximately 2 miles south of Corbin, Ky., over access road to Interstate Highway 75, thence over Interstate Highway 75, thence over Interstate Highway 25W, thence over Interstate Highway 25W and access road, approximately 1 mile south of Jeico, Tenn., over Interstate Highway 75 to junction U.S. Highway 25W at Lake City, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25W, thence over U.S. Highway 25W to junction Interstate Highway 75 at Lake City, Tenn., and return over the same route.

By the Commission,

(SEAL)  H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3273; Filed, Mar. 18, 1969; 6:47 a.m.]

Notice 12771
mercer Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 520097 (Republication), filed April 16, 1967, published Federal Register issue of April 27, 1967, and republished this issue. Applicant: ALLSTATE STORAGEx INC., 3062 Costa Bella Drive, Newport Beach, Calif. 92663. Applicant's representative: C. Douglas Alford, 2100 Electronics Capital Building, 110 West C Street, San Diego, Calif. 92101, finds that the operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting and serving: Used household goods between points in San Diego County, Calif., restricted to local pickup, delivery, and transfer service, moving on through bills of lading or other equipment, as the common carrier, in the same vehicle with passengers, not occupying a seat or seats, between New York, N.Y. 10452 and Atlantic City, N.J.; between Atlantic City, N.J. and Philadelphia, Pa.; between Philadelphia, Pa., and Atlantic City, N.J.; between Atlantic City, N.J., and the remaining points in the towns of New Hanover, North Carolina, in nonscheduled special operations, including the transportation of not more than 11 passengers in any one vehicle, not including children under 10 years of age who do not occupy a seat or seats, by motor vehicle, over irregular routes, in connection with packing, crating, and containerization or unpacking, uncrating, and decontamination of such traffic between points in San Diego County, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PetITIONS

No. MC 107583 and Sub Nos. 24, 26, 27, 29, 31, 34, and 42 (Notice of Filing of Petition to Include a Provision for Charter Operations), filed February 5, 1968. Petitioner: SALEM TRANSPORTATION CO., INC., 1223 Jerome Avenue, Bronx, N.Y. 10452. Petitioner's representative: George H. Rosen, 265 Broadway, Post Office Box 348, Monticello, N.Y. 12701. Petitioner states it holds authority to operate, over irregular routes, as follows: In MC 107583: Passengers and their baggage, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between New York, N.Y. and Philadelphia, Pa., by motor vehicle, and between Atlantic City, N.J., and the remaining points in the towns of New Hanover, North Carolina, in nonscheduled special operations, including the transportation of not more than 11 passengers in any one vehicle, not including children under 10 years of age who do not occupy a seat or seats, by motor vehicle, over irregular routes, in connection with packing, crating, and containerization or unpacking, uncrating, and decontamination of such traffic between points in San Diego County, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.
North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Penber-ton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia, Pa., and LaGuardia Airport, John F. Kennedy International Airport, Fort Hamilton, Brooklyn, N.Y., and the John F. Kennedy International Airport, Long Island, N.Y.; (2) traffic moving between points in Negro towns, between Wilmington, Del., points in Philadelphia, Bucks, Montgomery, Chester, and Delaware Counties, Pa., and points in New Jersey in the Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, the points in New York, N.Y., commercial zone as defined by the Commission.

Restriction: The authority granted herein is restricted to the transportation of passengers in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Wilmington, Del., points in Philadelphia, Bucks, Montgomery, Chester, and Delaware Counties, Pa., and points in New Jersey in the Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, the points in New York, N.Y., commercial zone as defined by the Commission.

Restriction: The authority granted herein is restricted to the transportation of passengers and their baggage, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Wilmington, Del., points in Philadelphia, Bucks, Montgomery, Chester, and Delaware Counties, Pa., and points in New Jersey in the Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, the points in New York, N.Y., commercial zone as defined by the Commission.

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Restriction: The authority granted herein is restricted to the transportation of passengers in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Wilmington, Del., points in Philadelphia, Bucks, Montgomery, Chester, and Delaware Counties, Pa., and points in New Jersey in the Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, the points in New York, N.Y., commercial zone as defined by the Commission.

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Restriction: The authority granted herein is restricted to the transportation of passengers in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Wilmington, Del., points in Philadelphia, Bucks, Montgomery, Chester, and Delaware Counties, Pa., and points in New Jersey in the Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, the points in New York, N.Y., commercial zone as defined by the Commission.
January 22, 1969. Applicant: HOME POST OFFICE BOX 6426, STATION A, MARIETTA, MARIETTA, GA. 30060. Authority sought to operate as a common carrier, by motor vehicle, in interstate commerce, between CARRIEL, N. M., and CARSBAD Caverns, N. M., serving all intermediate points; passengers and their baggage, and of express, newspapers, and mail in the same vehicle, with permission between CARRIEL, N. M., and CARSBAD Caverns, N. M., serving all intermediate points; and passengers and their baggage, restricted to traffic originating and terminating at EL PASO, Tex., in special operations, on road trip sightseeing or pleasure tours, from EL PASO, Tex., to White Sands National Monument, N. M. Vendee is authorized to operate as a common carrier, for temporary authority under section 210a (b), unless application is filed. Application is not filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PROPERTY
No. MC-F-10411. Authority sought for control by BRUCE JOHNSON TRUCKING COMPANY, INC., 125 East Craig Street, CANTON, OH. 44708, of SAFEWAY TRANSPORTATION COMPANY, 135 Murrah Drive, Rock Hill, S.C. 29730, and for acquisition of EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47801, of an interest in SAFEWAY TRANSPORTATION COMPANY, through the acquisition by BRUCE JOHNSON TRUCKING COMPANY, INC., Applicant's representative: H. Charles Ephraim, 1411 K Street NW, Washington, D.C. 20005, and T. LaFontaine Osborn, 1100 Barringer Office Tower, 426 North Tyrnon Street, Charlotte, N.C. 28205, by an agreement made March 5, 1969, for the purchase of SAFEWAY TRANSPORTATION COMPANY, 135 Murrah Drive, Rock Hill, S.C. 29730, and for acquisition of EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between points in Illinois within 50 miles of Rockford, Ill., serving all intermediate points; and certain off-route points; and general commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Illinois within 50 miles of Rockford, Ill., including Rockford, Ill., and points in Illinois within 50 miles thereof, on the one hand, and points in Illinois within 50 miles thereof, on the other hand, for temporary authority under section 210a (b). Note: MC-F-85084 Sub-2 is a matter directly related to MC-F-10376, published in the FEDERAL REGISTER of June 17, 1969.

MOTOR CARRIER OF PASSENGERS
No. MC-F-10412. Authority sought for purchase by TEXAS, NEW MEXICO AND OKLAHOMA COACHES, INC., 1313 13th Street, Lubbock, Tex. 79401, of the operating rights and property of DALLAS EXPRESS TRANSPORTATION COMPANY, 1301-1313 Main Street, Dallas, Tex. 75202, and for temporary authority under section 210a (b), unless application is filed. Application is not filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PROPERTY
No. MC-F-10413. Authority sought for purchase by MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 665 Eustis Street, St. Paul, Minn. 55114, of a portion of the operating rights and property of SAFEWAY TRANSPORTATION COMPANY, through the purchase of SAFEWAY TRANSPORTATION COMPANY, 135 Murrah Drive, Rock Hill, S.C. 29730, and for acquisition of EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between points in Illinois within 50 miles of Rockford, Ill., serving all intermediate points; and certain off-route points; and general commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Illinois within 50 miles of Rockford, Ill., including Rockford, Ill., and points in Illinois within 50 miles thereof, on the one hand, and points in Illinois within 50 miles thereof, on the other hand, for temporary authority under section 210a (b). Note: MC-F-85084 Sub-2 is a matter directly related to MC-F-10376, published in the FEDERAL REGISTER of June 17, 1969.
NOTICES

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Greenfield and Pittsfield, Mass., from
Syracuse, N.Y., to certain specified points
in Pennsylvania; liquefied petroleum
products, liquid, in tank trucks, from
Syracuse, N.Y., between Johnson City, N.Y., on the one
hand, and, on the other, Athens and New
Milford, Pa.; talc, zolfo, and benzol,
in bulk, in tank trucks, from Troy, N.Y.,
to certain specified points in Massachu-
setts and Rhode Island, traversing Con-
necticut for operating convenience only;
ashphalt, in bulk, in tank vehicles, from
Albany, N.Y., New York State line and
points in Hartford and Litchfield Coun-
ties, Conn.; liquid petroleum-based as-
phalt, in bulk, in tank vehicles, from
Albany, N.Y., to points in New Hamp-
shire and Vermont.

Dry calcium chloride, in bulk, from
Syracuse, N.Y., to points in Ohio, from
Solvay, N.Y., to points in Massachusetts
and Vermont, between points in New
York; from Schenectady, N.Y., to points in
New York, Connecticut, Massachusetts, and Rhode
Island, with restriction; from Solvay, N.Y.,
to points in Connecticut, Rhode Island, and New Hampshire; dry chemi-
cals, in bulk, in tank vehicles, from
points in New Jersey, Pennsylvania within 50 miles of the
New York-Massachusetts State line and
points in Hartford and Litchfield Coun-
ties, Conn.; liquid petroleum-based as-
phalt, in bulk, in tank vehicles, from
Albany, N.Y., to points in New Hamp-
shire and Vermont.

Sodium sulfate, sodium bisulfite,
sodium hyposulfite, and aluminum sul-
fites, from Solvay, N.Y., to points in
Connecticut, Del., to Rochester, N.Y.;
sodium carbonate, dry, in bulk, from
Solvay, N.Y., to Claymont, Del.; urea
and ammonium nitrate (other than liquid), in bulk, from
points of entry on the United States-Canada
boundary line located in New York, with
restriction; urea, dry, in bulk, from the
plantsites of Agway, Inc., at Syracuse, N.Y.,
to points in Connecticut, Delaware, In-
diana, Kentucky, Maine, Maryland, Massa-
echusetts, Michigan, New Hampshire, New York, Pennsyl-
ania, Rhode Island, Vermont, Virginia,
and West Virginia, and ports of entry on the United States-Canada
boundary line located in New York, with
restriction; urea, dry, in bulk, from the
plantsite of Agway, Inc., at Syracuse, N.Y.,
to points in Connecticut, Delaware, In-
diana, Kentucky, Maine, Maryland, Massa-
echusetts, Michigan, New Hampshire, New York, Pennsyl-
ania, Rhode Island, Vermont, Virginia,
and West Virginia, and ports of entry on the United States-Canada
boundary line located in New York, with
restriction; urea, dry, in bulk, from the
plantsites of the Allied Chemical
Corp. at Syracuse, N.Y., and points in
Syracuse, N.Y., commercial zone, as de-

dined by the Commission, to points in
Maine, Massachusetts, New Hampshire, Rhode
Island, and Connecticut, except
those in Connecticut within 100 miles of
Columbus Circle, N.Y.; liquid chemicals
(except liquid hydrochloric acid, liquid oxygen,
and dry hydrogen), in bulk, in tank vehicles,
from the plantsites of the Allied Chemical
Corp. at Syracuse, N.Y., and points in
Syracuse, N.Y., commercial zone, as de-
dined by the Commission, to points in
Maine, Massachusetts, New Hampshire, Rhode
Island, and Connecticut, except
those in Connecticut within 100 miles of
Columbus Circle, N.Y.; dry silicate of soda,
in bulk, in tank or hopper type vehicles,
from Skaneateles Falls, N.Y., to Phila-
delphia, Pa.; from Skaneateles Falls,
N.Y., to points in Massachusetts;
New Jersey (except points in
Camden, Atlantic, Cumberland, Cler-
ton Counties, N.Y.), New York (except
points in Nassau and Suffolk Counties, Ohio)
(except Euclid), and Pennsylvania, with
restriction.

Dry sodium phosphates, in bulk, in
tank or hopper type vehicles, from
Kear-
ney, N.J., to points in New Jersey;
from Morrisville, Pa., and points in
New Jersey (except points in
Cumberland, Salem, Gloucester, Cape
May, Atlantic, Camden, and Burlington
Counties), New York (except points
in Nassau and Suffolk Counties, Ohio)
(except Euclid), and Pennsylvania, with
restriction.

Sodium sulfite, sodium bisulfite,
sodium hyposulfite, and aluminum sul-
fites, from Solvay, N.Y., to points in
Connecticut, Del., to Rochester, N.Y.;
sodium carbonate, dry, in bulk, from
Solvay, N.Y., to Claymont, Del.; urea
and ammonium nitrate (other than liquid), in bulk, from
points of entry on the United States-Canada
boundary line located in New York, on the other
hand, and, on the other, Athens and New
Milford, Pa.; talc, zolfo, and benzol,
in bulk, in tank trucks, from Troy, N.Y.,
to certain specified points in Massachu-
setts and Rhode Island, traversing Con-
necticut for operating convenience only;
ashphalt, in bulk, in tank vehicles, from
Albany, N.Y., New York State line and
points in Hartford and Litchfield Coun-
ties, Conn.; liquid petroleum-based as-
phalt, in bulk, in tank vehicles, from
Albany, N.Y., to points in New Hamp-
shire and Vermont.

General commodities, except those of

DAMES, INC., is authorized to operate as
a common carrier over irregular routes, between
New York, N.Y., and certain specified
points in New Jersey, on the one hand,
and, on the other, Providence and Westerly, R.I.; New
Castle and Wilmington, Del., Baltimore, D.C., Boston,
Mass., and points in Massachusetts within 50 miles of
Boston, points in New Jersey and Connecticut, and those in that part of
Pennsylvania east of the Susquehanna
River, in all points in the
United States except Alaska and Hawaii.

GENERAL FREIGHT, INC., is authorized to operate as
a common carrier over irregular routes, between
New York, N.Y., and certain specified
points in New Jersey, on the one hand,
and, on the other, Providence and Westerly, R.I.; New
Castle and Wilmington, Del., Baltimore, D.C., Boston,
Mass., and points in Massachusetts within 50 miles of
Boston, points in New Jersey and Connecticut, and those in that part of
Pennsylvania east of the Susquehanna
River, in all points in the
United States except Alaska and Hawaii.

On March 12, 1969, the

Federal Register, Vol. 34, No. 53—Wednesday, March 19, 1969
NOTICES

Iowa, Alabama, Kansas, Kentucky, Louisiana, Nebraska, Mississippi, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210(a)(b).

No. MC-P-10417. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. 19512, of the operating rights and certain of MORRIS H. APPLEBAUM, 1540 West 33d Street, Chicago, Ill., and for acquisition by ESTATE OF BAKER SMITH, 2107 The Fidelity Building, 123 South Broad Street, Philadelphia, Pa., 19109, and Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. Operating rights sought to be transferred: Radio sets, television sets, phonographs, and combinations thereof, in containers, and parts of the described commodities, as of common carrier; over irregular routes, between Chicago, Ill., and certain points in Illinois, including radio and television tubes, in containers, between Charlotte, Mich., and certain points in New Jersey: television tubes, from Harrison and Plainfield, N.J., to Charlotte, Mich.; Restriction: The separate authorities granted hereinabove shall be held of record, directly or indirectly, for the purpose of performing any such services: Restriction: Service between points in Illinois (except Chicago) and Indiana, on the one hand, and, on the other, points in New York (except New York, N.Y.) and Pennsylvania, between points in Illinois (except Chicago) and Indiana, on the one hand, and, on the other, points in Pennsylvania; Restriction: Service between points in Pennsylvania, New Jersey, and New York, over irregular routes, from Harrison and Plainfield, N.J., to Charlotte, Mich., on the one hand, and, on the other, points in New Jersey; operating rights sought to be transferred: Radio sets, television sets, phonographs, and combinations thereof, in containers, and parts of the described commodities, as of common carrier; over irregular routes, between Portland, Ore., and San Francisco, Cal., and to certain points in California; television tubes, from Portland, Ore., to Charlotte, Mich., and to certain points in Michigan; Restriction: The separate authorities granted hereinabove shall be held of record, directly or indirectly, for the purpose of performing any such services: Restriction: Service between points in Illinois and Indiana shall be performed through such services: Restriction: Service between points in Massachusetts, Connecticut, New Jersey, and New York. Vendee is authorized to operate as a common carrier in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West Virginia, Ohio, Kentucky, Indiana, Michigan, Vermont, North Carolina, Kentucky, Wisconsin, Iowa, Tennessee, Alabama, Arkansas, Florida, Georgia, Louisiana, Maine, Mississippi, Missouri, Kansas, Nebraska, and the District of Columbia. Application has been filed for temporary authority under section 210(a)(b).

No. MC-P-10418. Authority sought for purchase by FEDERAL BROKERAGE COMPANY, INC., 221 Fourth Street, Fowler, Colo. 81039, of a portion of the operating rights of H. L. HERRIN, JR., Post Office Box 2393, Jefferson Highway, New Orleans, La. 70124, and for acquisition by R. E. LEWIS, IRENE LEWIS, both of 221 Fourth Street, Fowler, Colo. 81039 and LEONARD E. SMITH, 403 Ninth Street, Fowler, Colo. 81039, of control of such rights through the purchase. Applicants’ attorneys: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Operating rights sought to be transferred: Radio sets, television sets, phonographs, and combinations thereof, in containers, and parts of and for such commodities, between Charlotte, Mich., and, on the other, certain specified points in New Jersey: Radio sets, television sets, phonographs, recording sets, and combinations thereof, between Charlotte, Mich., and, on the other, points in Massachusetts, Connecticut, and New Jersey (except Bloomfield, Clifton, Harrison, Kearny, Nutley, Paterson, East Paterson, and Plainfield): television tubes, from Harrison and Plainfield, N.J., to Charlotte, Mich.; Restriction: The separate authorities granted hereinabove shall be held of record, directly or indirectly, for the purpose of performing any such services: Radio sets, television sets, phonographs, and combinations thereof, in containers, and parts of and for such commodities, between Charlotte, Mich., and, on the other, certain specified points in New Jersey: television, radio, phonograph, and recording sets, and combinations thereof, and parts of and for such commodities, between Charlotte, Mich., and, on the other, certain specified points in New Jersey: television and television sets, phonographs, recording sets, and combinations thereof, between Charlotte, Mich., and, on the other, points in New York (except New York, N.Y.) and Pennsylvania, between points in Illinois (except Chicago) and Indiana, on the one hand, and, on the other, points in New York (except New York, N.Y.) and Pennsylvania, between points in Illinois (except Chicago) and Indiana, on the one hand, and, on the other, points in Pennsylvania; Transporting property. Mr. James E. Wilson, 1735 K Street, W.N.W., Washington, D.C. 20006, attorney for applicants.

No. MC-P-10419. Authority sought for control by CLIFTON E. WELDON, Post Office Drawer 440, Fulton Highway, Martin, Tenn. 38237, of DEVORE BROKERAGE COMPANY, INC., Post Office Box 396, Loxley, Ala. 36551. Applicants’ representative: T. BRUCE WEST, Post Office Box 396, Fulton Highway, Martin, Tenn. 3237. Operating rights sought to be controlled: Nursery stock accessories and empty containers, and nursery stock when moving in the same vehicle and at the same time with nursery stock accessories and empty containers, as a common carrier, over irregular routes, from points in Mobile County, Ala., to points in Baldwin and Mobile Counties, Ala., with restriction.


No. MC-FC-71166. By order of March 12, 1969, the Motor Carrier Board approved the transfer to Long Trucking Co., a corporation, 1624 Lynwood Place, Casper, Wyo. 82601, of certificate of registration No. MC-30259, issued July 25, 1968, to J. Neil Long, doing business as Long Trucking Co., Casper, Wyo. 82601, authorizing the transportation of: Oil field equipment and supplies, as a common carrier, over irregular routes, from points in Wyoming, corresponding to the grant of authority in certificate No. 172, issued prior to October 15, 1962, by the Public Service Commission of the State of Wyoming, to J. Neil Long, doing business as Long Trucking Co., Casper, Wyo. 82601, authorizing the transportation of: Oil field equipment and supplies, in shipper-controlled trailers, from St. Cloud, Minn., to certain points in Minnesota, from St. Cloud, Minn., to Detroit, Mich., and to points in Kansas, Kentucky, Missouri, Minnesota, and Tennessee, limited to a specific shipper, Mr. James E. Wilson, 1735 K Street, W.N.W., Washington, D.C. 20006, attorney for applicants.
No. MC-FC-71231. By application filed March 11, 1969, BEE LINE TRANSPORTATION, INC., 404 South 24th Street, Billings, Mont. 59102, under section 310(b). The transfer to BEE LINE TRANSPORTATION, INC. of the operating rights of TIM M. BABCOCK, doing business as BABCOCK TRANSPORTATION CO., 910 Wyoming, Billings, Mont. 59102, under section 310(b). The transfer to BEE LINE TRANSPORTATION, INC. of the operating rights of TIM M. BABCOCK, doing business as BABCOCK TRANSPORTATION CO., is presently pending.

By the Commission.

H. Neil Garson,
Secretary.

[F.R. Doc. 69-3273; Filed, Mar. 18, 1969; 8:47 a.m.]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 1969.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

Plankinton Avenue, Milwaukee, Wis. 53203, attorney for applicants.


[F.R. Doc. 69-3274; Filed, Mar. 18, 1969; 8:47 a.m.]

[Notice 312A]
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