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Title 3—THE PRESIDENT

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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.

Richard Nixon

[F.R. Doc. 69-3368; 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 (6) 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.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3266; 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.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3267; Filed, Mar. 18, 1969; 8:47 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is amended by revising Subpart B of Part 713 to provide new procedures for handling discrimination complaints which will result in more expeditious and equitable processing. In the main, this will be achieved by the use of counseling, informal resolution of grievances when possible, the use of processing deadlines, and the requirement that the appeals examiner who conducts a hearing on the complaint is not an employee of the agency in which the complaint arose. Because of the revision of Subpart B of Part 713 which is effective July 1, 1969, the following amendments of §§ 315.806, 332.408, 752.104, 752.203, 752.304, 771.219, and 771.222 of Subchapter B of Chapter I of Title 5 are made to align these sections with the new Subpart B of Part 713 (these amendments are also effective July 1, 1969).

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

1. Section 315.806 is amended as set out below.

§ 315.806 Appeal rights to the Commission.

(a) *Right of appeal.* An employee may appeal to the Commission in writing an agency's decision to terminate him under § 315.804 or § 315.805 only as provided in paragraphs (b) and (c) of this section. The Commission's review is confined to the issues stated in paragraphs (b) and (c) of this section.

(b) *On discrimination.* (1) An employee may appeal under this subparagraph a termination which he alleges was based on discrimination because of race, color, religion, sex, or national origin. The Commission refers the issue of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

(2) An employee may appeal under this subparagraph a termination not required by statute which he alleges was based on political reasons or marital status or a termination which he alleges resulted from improper discrimination because of physical handicap.

* * * * *

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

2. 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.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

GENERAL PROVISIONS

AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION

APPEAL TO THE COMMISSION

REPORTS TO THE COMMISSION

Subpart C—Minority Group Statistics System

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

AUTHORITY: The provisions of this Part 713 issued under 5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11222, E.O. 11246; 3 CFR, 1964–1965 Comp., pp. 306, 339, E.O. 11375; 3 CFR, 1967 Comp., p. 320.

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 from a person dissatisfied with 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 (i) 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 (ii) 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.

(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 working conditions;

(b) Reappraise job structure and employment practices and adopt positive and special recruitment, training, job design, and other measures needed 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 improve 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) Inform its 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 expeditious 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 its program established under this subpart;

(b) Appraise its personnel operations at regular intervals to assure their conformity 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 Equal 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 necessary to enable him 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 and procedures designed to eliminate 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 that 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 within the agency, subject to §§ 713.211 through 713.222;

(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 may consider necessary; and

(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 Director of Equal Employment Opportunity;

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

(f) 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 conformity 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.

AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION

§ 713.211 General.

An agency shall insure that its regulations governing the processing of complaints of discrimination on grounds of race, color, religion, sex, or national origin comply 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 aggrieved person with his 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 believes 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 accepted from 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 both to the agency and the aggrieved person 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 final interview of his right to file a complaint of discrimination with the organization's Equal Employment Opportunity Officer if the matter has not been resolved to his satisfaction and of the time limits governing the acceptance of a complaint in § 713.214. 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, 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 writting by the complainant or his representative. The agency may accept the complaint for processing in accordance with his subpart only if—

(i) The complainant brought to the attention of the Equal Employment Opportunity Counselor the matter causing him to believe he had been discriminated against within 15 calendar days of the date of that matter or, if a personnel action, within 15 calendar days of its effective date, and

(ii) The complainant submitted his written complaint to the Equal Employment Opportunity Officer within 15 calendar days of the date of his final interview with the Equal Employment Opportunity Counselor.

(2) The agency shall extend the time limits in this section (i) when the complainant shows that he was not notified of the time limits and was not otherwise aware of them, or that he was prevented by circumstances beyond his control from submitting the matter within the time limits, or (ii) for other reasons considered sufficient by the agency.

(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 he designates another employee of the agency as his representative, the representative shall be free from restraint, interference, coercion, discrimination, or reprisal, and 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 was 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.

§ 713.216 Investigation.

(a) The Equal Employment Opportunity Officer shall advise the Director of Equal Employment Opportunity of the acceptance of a complaint. The Director of Equal Employment Opportunity shall provide for the prompt investigation of the complaint. The person assigned to investigate the complaint shall occupy a position in the agency which is not, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose. The agency shall authorize the investigator to administer oaths and require that statements of witnesses shall be under oath or affirmation, without a pledge of confidence. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. Information as to the membership or nonmembership of a person in the complainant's group needed to resolve a complaint of discrimination shall, if available, be recorded in summary form in the investigative file. (As used in this subpart, the term "investigative file" shall mean the various documents and information acquired during the investigation under this section—including affidavits of the complainant, of the alleged discriminating official, and of the witnesses and copies of, or extracts from, records, policy statements, or regulations of the agency—organized to show their relevance to the complaint or the general environment out of which the complaint arose.) If necessary, the investigator may obtain information regarding the membership or nonmembership of a person in the complainant's group by asking each person concerned to provide the information voluntarily; he shall not require or coerce an employee to provide this information. The agency shall furnish the complainant or his representative a copy of the investigative file.

(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 reduced to writing and 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 advise the complainant 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 allow the complainant 7 calendar days from receipt of the notice to notify the agency whether or not he wishes to have a hearing.

(c) If the complainant fails to notify the agency of his wishes within the 7-day period prescribed in paragraph (b) of this section, the appropriate Equal Employment Opportunity Officer may adopt the disposition of the complaint proposed in the notice sent to the complainant under paragraph (b) of this section as the decision of the agency on the complaint when delegated the authority to make a decision for the head of the agency under those circumstances. When this is done, the Equal Employment Opportunity Officer 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 and the time limit applicable thereto. If the Equal Employment Opportunity Officer does not issue a decision under this paragraph, the complaint, together with the complaint file, shall be forwarded to the head of the agency, or his designee, for decision under § 713.220.

§ 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 event the agency shall arrange with the Commission for the selection of an impartial employee of the agency to serve as appeals examiner. (For purposes of this paragraph, the Department of Defense is considered to be a single agency.) The agency in which the complaint arose shall request the Commission to supply the name of an appeals examiner who has been certified by the Commission as qualified to conduct a hearing under this section.

(b) *Arrangements for hearing.* The agency in which the complaint arose shall transmit the complaint file containing all the documents described in § 713.222 which have been acquired up to that point in the processing of the complaint, including the original copy of the investigative file (which shall be considered by the appeals examiner in making his recommended decision on the complaint), to the appeals examiner who shall review 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 arrange for the appearance of witnesses necessary 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 schedule 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 pertinent 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 policy or practices relevant to the complaint shall be received in evidence. The complainant, his representative, and the representatives of the agency at the hearing 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 shall request 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 also request the appearance of 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 not administratively practicable 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 so advise the agency and request it to 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 made 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 § 713.216.

(f) *Record of hearing.* The hearing shall be recorded and transcribed verbatim. All documents submitted to, and accepted by, the appeals examiner at 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 complaint file (including the record of the hearing), together with his findings and analysis with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose and his recommended decision on the merits of the complaint, to the head of the agency or his designee and shall notify the complainant of the date on which this was done. In addition, the appeals examiner shall transmit, by separate letter 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 complainant 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.

§ 713.220 Avoidance of delay.

(a) 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 calendar days after its receipt by the Equal Employment Opportunity Officer, exclusive of time spent in the processing of the complaint by the appeals examiner under § 713.218. When the complaint has

not been resolved within this limit, the complainant 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 expeditious processing 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 complainant 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(g) when there has been a hearing on the complaint, and a copy of the transcript of the oral testimony and other oral statements at the hearing. 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. The decision of the agency shall require any remedial action authorized by law determined to be necessary or desirable to effect the resolution of the issues of discrimination and to promote the policy of equal opportunity.

(b) The agency shall advise the complainant of his right to appeal to the Commission the decision of the agency under this section on his complaint if he is not satisfied with it and of the time limit within which he must file the appeal.

§ 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 Officer on whatever precomplaint counseling efforts were made with regard to the complainant's case, (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 § 713.217, the written record of the terms of the adjustment, (f) if no adjustment of the complaint is arrived at under § 713.217, a copy of the letter notifying the complainant of the proposed disposition of the complaint and of his right to a hearing, (g) if decision is made under § 713.217(c), a copy of the letter to the complainant transmitting that decision, (h) if a hearing was held, the record of the hearing, together with the appeals examiner's findings, analysis, and recommended 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

§ 713.231 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:

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

(2) To cancel his complaint (i) 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; or

(3) 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.

§ 713.234 Appellate procedures.

The Board of Appeals and Review shall review the complaint file and all relevant written representations made to the board. The board may remand a complaint to the agency for further investigation or a rehearing if it considers that action necessary or have additional investigation conducted by Commission personnel. This subpart applies to any further investigation or rehearing resulting from a remand from the board. There is no right to a hearing before the board. The board shall issue a written decision setting forth its reasons for the decision and shall send copies thereof to the complainant, his designated representative, and the agency. When corrective action is ordered, the agency shall report promptly to the board that the corrective action has been taken. The decision of the board is final, and there is no further right to appeal.

§ 713.235 Appellate review by the Commissioners.

The Commissioners may, in their discretion, when in their judgment such action appears warranted by the circumstances, reopen and reconsider any previous decision.

§ 713.236 Relationship to other appeals.

When the basis of the complaint of discrimination because of race, color, religion, sex or national origin involves an action which is otherwise appealable to the Commission, the case, including the issue of discrimination, will be processed under the regulations appropriate to that appeal when the complainant makes a timely appeal to the Commission in accordance with those regulations.

REPORTS TO THE COMMISSION

§ 713.241 Reports to the Commission.

Each agency shall report to the Commission information concerning precomplaint counseling and the status and disposition of complaints under this subpart at such times and in such manner as the Commission prescribes.

Subpart C—Minority Group Statistics System

§ 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.

(b) Data shall be collected only by visual survey and only in the form of gross statistics. An agency shall not collect or maintain any record of the race or national origin of individual employees.

(c) Each system is subject to the following controls:

(1) Only those categories of race and national origin prescribed by the Commission may be used;

(2) Only the specific procedures for the collection and maintenance of data that are prescribed or approved by the Commission may be used;

(3) The Commission shall review the operation of the agency system to insure adherence to Commission procedures and requirements. An agency may make an exception to the prescribed procedures and requirements only with the advance written approval of the Commission.

(d) The agency may use the data only in studies and analyses which contribute affirmatively to achieving the objectives of the equal employment opportunity program. An agency shall not establish a quota for the employment of persons on the basis of race or national origin.

(e) An agency shall report to the Commission on employment by race and national origin in the form and at such times as the Commission may require.

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.

(a) *In appointments and position changes.* In determining the merit and fitness of a person for competitive appointment or appointment by noncompetitive action to a position in the competitive service, an appointing officer shall not discriminate on the basis of the person's political affiliations, except when required by statute, or marital status, nor shall he discriminate on the basis of a physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

(b) *In adverse actions and termination of probationers.* An agency may not take an adverse action against an employee covered by Part 752 of this chapter, nor effect the termination of a probationer under Part 315 of this chapter, (1) for political reasons, except when required by statute, (2) that is based on discrimination because of marital status, or (3) for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

PART 752—ADVERSE ACTIONS BY AGENCIES

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

§ 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.

(c) An agency may not take an adverse action against an employee covered by this part that is based on discrimination because of race, color, religion, sex, or national origin, or for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

§ 752.203 Appeal rights to the Commission.

* * * * *

(b) *Time limit.* (1) Except as provided in subparagraphs (2), (3), and (4) of this paragraph, an employee may submit an appeal at any time after receipt of the notice of adverse decision but not later than 15 calendar days after the adverse action has been affected.

* * * * *

(3) (i) An appeal to the agency and an appeal to the Commission from the same original decision may not be processed concurrently.

(ii) An employee who appeals first to the Commission within the prescribed time limit forfeits his right of appeal to the agency.

(iii) When the employee appeals first to the agency within the prescribed time limit, he is entitled to appeal to the Commission only after but not more than 15 calendar days later than:

(*a*) Receipt of the final agency appellate decision, if the agency has only one appellate level; or

(*b*) Receipt of the first-level agency appellate decision, if the agency has more than one appellate level.

If no agency appellate decision has been made within 60 days from the date of filing the appeal to the agency and the agency is not concurrently processing a complaint of discrimination 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.

* * * * *

§ 752.304 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.

(3) When an employee alleges that the suspension was taken against him for political reasons not required by statute, or resulted from discrimination because of marital status, or from improper discrimination because of physical handicap, the Commission determines the validity of the allegation and takes appropriate action when indicated.

(4) When a suspension was imposed during the advance notice period of some adverse action covered by Subpart B of this part, the Commission reviews the reasons for not retaining the employee in an active duty status if the employee appeals from the final adverse action.

* * * * *

(5 U.S.C. 1302, 3301, 3302, 7701, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 10988; 3 CFR, 1959–1963 Comp., p. 521)

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

5. Sections 771.219 and 771.222 are amended as set out below.

§ 771.219 Order of processing appeals.

* * * * *

(c) When the employee appeals first to the agency within the prescribed time limit, he is entitled to appeal to the Commission only after, but not more than 15 calendar days later than:

(1) Receipt of the final agency appellate decision, if the agency has only one appellate level; or

(2) Receipt of the first-level agency appellate decision, if the agency has more than one appellate level.

If no agency appellate decision has been made within 60 days from the date of filing the appeal to the agency and the agency is not concurrently processing a complaint of discrimination under Subpart B of Part 713 of this chapter in connection with the action appealed under this part, the employee may elect to terminate that appeal by appealing to the Commission.

* * * * *

§ 771.222 Allegations of discrimination.

(a) When an employee alleges in writing that the original decision was based in whole or in part on discrimination because of race, color, religion, sex, or national origin, that allegation shall be referred to the Equal Employment Opportunity Counselor designated to serve the organizational unit in which the allegation arose for appropriate action under Subpart B of Part 713 of this chapter.

(b) If a complaint of discrimination is accepted under Subpart B of Part 713 of this chapter concerning the action appealed under this part, the agency may process the appeal under this part jointly with the complaint of discrimination under Subpart B of Part 713 of this chapter, if the requirements of § 713.219 of this chapter are met.

(c) Whether there is a separate or joint processing, a decision on the appeal under this part may be made only after issuance of the decision on the complaint of discrimination under Subpart B of Part 713 of this chapter, except when the decision on the appeal under this part is to cancel the appealed action.

(d) Whether there is a separate or joint processing, the decision on the complaint of discrimination under Subpart

B of Part 713 of this chapter shall be incorporated in and become a part of the decision on the appeal under this part, except when the decision has previously been issued as provided in paragraph (c) of this section.

(e) When the Commission assumes jurisdiction over a complaint of discrimination filed with the agency under Subpart B of Part 713 of this chapter because of a delay by the agency in processing that complaint, the agency shall terminate an appeal under this part from the same action.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 10987; 3 CFR, 1959–1963 Comp., p. 519)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3265; 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 § 319.37–28a (7 CFR 319.37–28a) 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

Blackmoor Estate, Ltd.; Blackmoor, Liss, Hampshire, England.
Brinkman Bros., Ltd., Walton Nurseries; Bosham, Chichester, Sussex, England.
Coates Co., Ltd., The Firs; Emneth, Wisbech, Cambs., England.
Darby Bros., Broad Fen Farm; Methwold Hythe, Thetford, England.
East Malling Research Station; Maidstone, Kent, England.
Hammond, D. H.; Ware Street, Bearsted, Maidstone, Kent, England.
Hilling, T. & Co., Ltd., The Nurseries; Chobham, Woking, Surrey, England.
Lauritzen, H., Epping Green Orchard; Epping, Essex, England.
Long Ashton Research Station; University of Bristol, Long Ashton, Bristol, England.
Matthews, F. P., Ltd.; Berrington Court, Tenbury Well, Worcestershire, England.
Matthews Fruit Trees Ltd.; Thurston, Bury St. Edmunds, Suffolk, England.
Roger, R. V., Ltd., The Nurseries; Pickering, Yorkshire, England.

CANADIAN NURSERIES

Blue Mountain Nurseries & Orchards Ltd.; Clarksburg, Ontario, Canada.
Brookdale-Kingsway Ltd.; 145 Duke Street, Bowmanville, Ontario, Canada.
Byland'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.
Hertel Gagnon; Compton, Quebec, Canada.
Kelowna Nurseries; Post Office Box 178, Kelowna, British Columbia, Canada.
V. Kraus Nurseries, Ltd.; Carlisle, 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; Saanichton, 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.; 1546 Bernard Avenue, Kelowna, British Columbia, Canada.
Traas Nursery, Ltd.; 24120 48th Avenue, Rural Route No. 7, Langley, British Columbia, Canada.

(Secs. 7, 9, 37 Stat. 317, 318; 7 U.S.C. 160, 162; 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 319.37–28)

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: Long Ashton Research Station, in England; and Brookdale-Kingsway Ltd., Day Nursery, and H. C. Downham Nursery Co., Ltd., in Canada. Section 319.37–28 of the regulations provides for such designation of nurseries certified by the plant protection service of the country of origin as producing such material from parent plants that have been tested and found to be free of significant diseases, when such certification is satisfactory to the Director of the Plant Quarantine Division. Such admissible material may enter under permit, subject to requirement of growing under postentry quarantine. The above list includes all foreign nurseries that have been certified to date by their respective plant protection services as fulfilling the prescribed conditions.

Determination of the satisfactory compliance of the listed nurseries with the conditions imposed by § 319.37–28 depends entirely upon facts within the knowledge of the Department of Agriculture. These instructions relieve a restriction and in order to be of maximum benefit to persons desiring to import this material, they should be made effective promptly. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on the instructions are impracticable and unnecessary and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 13th day of March 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-3256; Filed, Mar. 18, 1969; 8:46 a.m.]

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

[Tangelo Reg. 36, 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. 905, as amended (7 CFR Part 905), 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 tangelos, 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 tangelos grown in Florida.

Order. The provisions of paragraph (a)(2)(i) in § 905.508 (Tangelo Regulation 36; 33 F.R. 15243; 18430; 34 F.R. 245) are hereby amended to read as follows:

§ 905.508 Tangelo Regulation 36.

(a) * * *
(2) * * *

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

* * * * *

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

Dated, March 14, 1969, to become effective March 17, 1969.

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 905), 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 tangerines, 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, 428, 925) are hereby amended to read as follows:

§ 905.511 Tangerine Regulation 36.

(a) * * *
(2) * * *

(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

(ii) Any tangerines, grown in the production area, which are smaller than 2$^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the application of tolerances specified in the U.S. Standards for Tangerines.

* * * * *

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

Dated, March 14, 1969, to become effective March 17, 1969.

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

[F.R. Doc. 69-3292; 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. 905, as amended (7 CFR Part 905), 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 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 Temple oranges grown in Florida.

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

§ 905.512 Orange Regulation 62.

(a) * * *
(2) * * *

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2: *Provided*, That such Temple oranges are 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$^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter 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;

* * * * *

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

Dated, March 14, 1969, to become effective March 17, 1969.

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.]

[Amdt. 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 such amendment relieves restrictions on the handling of oranges and grapefruit.

Order. The provisions of § 906.340(a)(1)(v) (§ 906.340 Container and Pack Regulations; 33 F.R. 11542, 14170) are amended to read as follows:

§ 906.340 Container and pack regulations.

(a) * * *
(1) * * *

(v) Closed fiberboard carton with inside dimensions of 19¾ x 13 inches and of a depth from 12 to 13½ inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds and

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)

Dated, March 14, 1969, to become effective March 17, 1969.

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 908—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 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period March 21, 1969, through January 31, 1970, no handler shall handle any Valencia oranges grown in District 1 which are 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. 18, 1969; 8:49 a.m.]

[Lemon Reg. 364, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

Order, as amended. The provisions in paragraph (b) (1) (i) of § 910.664 (Lemon Reg. 364, 34 F.R. 5006) are hereby amended to read as follows:

§ 910.664 Lemon Regulation 364.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 11,160 cartons.

* * * * * *

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

Dated: March 13, 1969.

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. 22,666]

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.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

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 § 545.6–7 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 (unless an insured or guaranteed loan) does not exceed the lesser of (a) the maximum percentage of the value 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 75 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 loans meeting the requirements of this subparagraph, plus the amount of outstanding investments made pursuant to paragraph (a) of § 545.6–4 in participation interests in such loans, does not aggregate a total in excess of 15 percent of the association's assets.

[F.R. Doc. 69–3298; Filed, Mar. 18, 1969; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,665]

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, and for the purpose of effecting such amendment, hereby amends said 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.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment 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 § 508.11 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 § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said 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 hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

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

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

CANTHAXANTHIN; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing and exempting from certification canthaxanthin for use in or on foods and drugs:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399–403, as amended; 21 U.S.C. 376 (b), (c)(2), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 250). Accordingly, the regulations (21 CFR 8.326, 8.6015) promulgated by that order became effective March 9, 1969.

Dated: March 12, 1969.

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

[F.R. Doc. 69–3261; Filed, Mar. 18, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD 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., 8225 Aero Drive, San Diego, Calif. 92123, and other relevant material, concludes that the food additive regulations should be amended to provide for the use of xanthan gum as a stabilizer, emulsifier, thickener, suspending agent, bodying agent, or foam enhancer in food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 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* by a pure-culture fermentation process and purified by recovery with isopropyl alcohol. It contains D-glucose, D-mannose, and D-glucuronic acid as the dominant hexose units and is manufactured as the sodium, potassium, or calcium salt.

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

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

(d) 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 additive and 1 percent of potassium chloride stirred for 2 hours has a minimum viscosity of 600 centipoises at 75° F., as determined by Brookfield Viscometer, Model LVF (or equivalent), using a No. 3 spindle at 60 r.p.m., 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 GEL 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 ½ minute) at the point of maximum agitation to a stirred solution of 200 milliliters of distilled water previously heated to 30° C. in a 400-milliliter beaker. Continue mechanical stirring until the mixture is in solution, but stir for a minimum time of 30 minutes. Do not allow the water temperature to drop below 60° C.

Set the beaker and its contents aside to cool in the absence of agitation. Allow a minimum time of 2 hours 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 80° C. (omit

the locust bean gum). Allow the solution to cool without 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 locust bean gum but not in its absence. Record the sample as "negative" for xanthan gum if no gel forms or if a soft or brittle gel forms both with locust bean gum and in a 1 percent solution of the sample (containing no locust bean gum).

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

PYRUVIC ACID TEST

Pipet 10 milliliters of an 0.6 percent solution of the polysaccharide in distilled water (60 milligrams of water-soluble gum) into a 50-milliliter flask equipped with a standard taper glass joint. Pipet in 20 milliliters of 1*N* hydrochloric acid. Weigh 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.

Pipet 1 milliliter of a 2,4-dinitrophenylhydrazine reagent (0.5 percent in 2*N* hydrochloric acid) into a 30-milliliter separatory funnel followed by a 2-milliliter aliquot (4 milligrams of water-soluble gum) of the polysaccharide hydrolyzate. Mix and allow the reaction mixture to stand at room temperature for 5 minutes. Extract the mixture with 5 milliliters of ethyl acetate. Discard the aqueous layer.

Extract the hydrazone from the ethyl acetate with three 5 milliliter portions of 10 percent sodium carbonate solution. Dilute the combined sodium carbonate extracts to 100 milliliters with additional 10 percent sodium carbonate in a 100-milliliter volumetric flask. Measure the optical density of the sodium carbonate solution at 375 millimicrons.

Compare the results with a curve of the optical density versus concentration of an authentic sample of pyruvic acid that has been run through the procedure starting with the preparation of the hydrazone.

Record the percent by weight of pyruvic acid in the test polysaccharide. Note "positive" for xanthan gum if the sample contains more than 1.5 percent of pyruvic acid and "negative" for xanthan gum if the sample contains less than 1.5 percent of pyruvic acid by weight.

(e) The additive is used or intended for use in accordance with good manufacturing practice as a stabilizer, emulsifier, thickener, suspending agent, bodying agent, or foam enhancer in foods for which standards of identity established under section 401 of the act do not preclude such use.

(f) To assure safe use of the additive:

(1) The label of its container shall bear, in addition to other information required by the act, the name of the additive and the designation "food grade."

(2) The label or labeling of the food additive container shall bear adequate directions for use.

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

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

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

Dated: March 12, 1969.

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

[F.R. Doc. 69-3262; Filed, Mar. 18, 1969; 8:46 a.m.]

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 18239 of the FEDERAL REGISTER of 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.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions, or objections have been received and the proposed revision is hereby adopted without change and is set forth below. This revision will take effect 30 days following the date of publication in the FEDERAL REGISTER.

Section 7.42 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.42 Pipestone National Monument.

(a) An American Indian desiring to quarry and work "Catlinite" pipestone shall first secure a permit from the Superintendent. The Superintendent shall issue a permit to any American Indian applicant provided that (1) in the judgment of the Superintendent, the number of permittees then quarrying or working the pipestone is not so large as to be inconsistent with preservation of the deposit and (2) a suitable area is available for conduct of the operation. The permit shall be issued without charge and shall be valid only during the calendar year in which it is issued.

(b) An American Indian desiring to sell handicraft products produced by him, members of his family, or by other Indians under his supervision or under contract to him, including pipestone articles, shall apply to the Superintendent. The Superintendent shall grant the permit provided that (1) in his judgment the number of permittees selling handicraft products is not so large as to be inconsistent with the enjoyment of visitors to the Pipestone National Monument and (2) a suitable area is available for conduct of the operation. The permit shall be issued without charge and shall be valid only during the calendar year in which it is issued.

CECIL D. LEWIS, Jr.,
Superintendent, Pipestone National Monument.

[F.R. Doc. 69-3251; Filed, Mar. 18, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-3—PROCUREMENT BY NEGOTIATION

Subpart 9-3.1—Use of Negotiation

DISSEMINATION OF PROCUREMENT INFORMATION

Section 9-3.103, *Dissemination of procurement information,* is revised to read as follows:

§ 9-3.103 Dissemination of procurement information.

See 10 CFR Part 9, Public Records, for regulations relating to the availability of AEC records to the public.

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

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.

[F.R. Doc. 69-3240; Filed, Mar. 18, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17880; FCC 69-227]

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. 17880.

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 filing of comments. The notice was published in the FEDERAL REGISTER on December 1, 1967 (32 F.R. 16495). The time for filing comments and reply comments has passed.

2. The proposed amendment to the rules would allow the use of the private aircraft frequency 122.8 Mc/s by air carrier aircraft for communications with aeronautical 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 (FAA), 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 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.

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

c. The frequency 122.8 Mc/s is overloaded now. To add the air carrier fleet to 122.8 now would "jam it to the point of uselessness."

d. Aeronautical advisory stations are not required to be manned on a regular basis. Therefore, there is no assurance that any service would be available to the air carrier when it was wanted.

e. The incidence of large air carrier aircraft regularly using airports which have neither a tower nor an FSS is relatively small. The safety factor, therefore, would be minuscule since FAR Part 91 provides rules especially designed to provide for the safety of flight in all airspace including the traffic patterns around airports. Due observance of these rules does not require the use of air/ground radio "especially the dubious service that might be provided on 122.8 Mc/s." AOPA concludes by requesting a formal public hearing prior to any regulatory action if the Commission intends to implement the proposal.

5. The joint comment of ATA and ARINC oppose 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 not able to find any airline support for it". 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 intentions 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 air carrier service into smaller airports which do not yet have the benefit of an air traffic control tower or flight service station makes desirable some method for communications between aircraft in the airport traffic pattern or immediate vicinity.
>
> The major thrust of the registered opposition is concern for increased frequency congestion. This particular source of concern could be negated to a large degree by carefully amending Parts 2 and 87 to limit use of 122.8 MHz by air carrier aircraft to the immediate vicinity of an airport below a selected and specified altitude. Additionally, this agency could assist by thoroughly publicizing a "good operating practice" which could have the effect of further limiting transmissions on 122.8 MHz by air carriers 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 air carrier 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 fill the void that is created when there is no common air/ground communications at a landing area providing local traffic advisory information. ARINC's 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, on 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 which 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 the same landing area and the resultant possibility of conflicting information. Subparagraph (b) is addressed to service rendered by FAA FSS. It is recognized that when a 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 making is 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 of congestion on 122.8 Mc/s 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 regularly using airports which have neither a tower nor an FSS is relatively small." It is difficult to reconcile the positions taken in these paragraphs. If

the number of aircraft that will use 122.8 Mc/s is relatively small it is difficult to envision 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 carrier aircraft that will have a need 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.

10. AOPA in subparagraphs (d) and (e) takes the position that the Aeronautical Advisory Service is ineffective i.e., no assurance the stations will be manned; the stations are often 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 come as a surprise, for the matter of Aeronautical Advisory Service was explored in depth by the Radio Technical Commission for Aeronautics (RTCA) SC-113 report dated November 23, 1965. AOPA was a participating member and no such criticism was directed against the service. It is recognized that these deficiencies may exist in some cases, most probably at isolated dirt-strip landing areas. 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 such as at Tompkins County Airport, Ithaca, N.Y., one of the landing areas where the situation described in the Notice exists and which should benefit by the adoption of the proposal in this docket. In addition, lack of ground service would have no adverse affect on the availability of the frequency for air-to-air contacts. In any event, we are not convinced that air carriers and general aviation would be better off with no air/ground communications rather than have Aeronautical Advisory Service.

11. With respect to the joint comment of ATA and ARINC concerning no need by air carriers, the Commission finds that a need does exist among air carriers for this type of service, as evidenced by the request of Buker Airways, Inc., and Chartair, and the information received concerning operation of Mohawk Airlines at Tompkins County Airport. The matter of congestion raised in this comment is treated under the discussion of AOPA's comment. ATA and ARINC apparently recognize some need for 122.8 Mc/s by air carriers for they recommend that in those "rare situations * * * where the use of 122.8 MHz by air carrier aircraft would appear to have merit and be justified, the Commission can continue to grant waivers * * *." The Commission could, of course, grant waivers but this is not an efficient method of administering a service. The waiver route requires additional work by the applicant and by the Commission. Also, when a matter is reduced to rule form it is available for all the public to see and make use of it if appropriate. Waivers on the other hand do not usually appear in any permanent form that would be readily accessible to the average prospective applicant. We must conclude, therefore, the case by case handling of this matter via the waiver route is not in the best interest of the public or the Commission.

12. The assistance offered by FAA in this matter is appreciated. The Commission feels that a program for educating the users 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 altitude 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(i) and 303 (b), (c), and (r) of the Communications Act of 1934, as amended, that 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.

(Secs. 4, 303, 48 Stat., as amended 1086, 1082; 47 U.S.C. 164, 303)

Adopted: March 12, 1969.

Released: March 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *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.

* * * * *

§ 2.106 [Amended]

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

Except as provided below, the band 121.975–123.075 Mc/s is for use by private aircraft stations.

The frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 Mc/s may be assigned to aeronautical advisory stations.

The frequency 122.90 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 (c) of § 87.201 is amended to read as follows:

§ 87.201 Frequencies available.

* * * * *

(c) 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:

122.80, 122.85, 122.95, and 123.05 Mc/s.

In addition, brief keyed RF signals may be transmitted on these frequencies for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

* * * * *

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

§ 87.257 Scope of service.

* * * * *

(d) * * *

(3) 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.

* * * * *

[F.R. Doc. 69-3278; Filed, Mar. 18, 1969; 8:48 a.m.]

[1] Chairman Hyde absent; Commissioner Johnson concurring in the result.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected Rev. S.O. 1020]

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.E.R. 370, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length of 50 feet or longer, with inside length 40 feet or longer and with side-door openings 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.

(3) Boxcars described in subparagraph (1) of this paragraph 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 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.

(b) *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.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[F.R. Doc. 69-3269; Filed, Mar. 18, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

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.

TEXAS

ANAHUAC NATIONAL WILDLIFE REFUGE

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, Anahuac, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations 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, 1969.

RUSSELL W. CLAPPER,
Refuge Manager, Anahuac National Wildlife Refuge, Anahuac, Tex.

MARCH 10, 1969.

[F.R. Doc. 69-3248; Filed, Mar. 18, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Tex.

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

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

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 6 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 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted on interior waters except Nicks and Salt Lakes.

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

RUSSEL W. CLAPPER,
Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Tex.

MARCH 10, 1969.

[F.R. Doc. 69-3249; Filed, Mar. 18, 1969; 8:45 a.m.]

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.]

Proposed Rule Making

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 may 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 (19 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 spools of 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. 20226, 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. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), 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 nondistrict 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.

(b) The minimum charge when paid shall be credit on the delivery of the pro rata per acre share of the available water up to 1½ 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 fourteen cents ($2.14) 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 1½ 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-two cents ($2.32) 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 1½ 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.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-3253; Filed, Mar. 18, 1969; 8:46 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 grade, size, quality, and maturity requirements that, beginning April 7, 1969, are to govern the importation of Temple oranges into the United States. Orange Regulation 8 (7 CFR 944.307, 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 CFR 905.512, 33 F.R. 18227, 34 F.R. 246, 925) applicable to Florida grown Temple oranges under the marketing order regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida (7 CFR Part 905).

The provisions of said Orange Regulation 8 specify requirements for imports of Navel and Early and Midseason varieties of oranges and Valencia and similar late type varieties of oranges. Such requirements are based upon the regulation applicable to these varieties of oranges under the marketing order regulating the handling of oranges and grapefruit grown in Texas (7 CFR Part 906). Such marketing order does not cover Temple oranges grown in Texas.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 26th day of March. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are to amend paragraph (a) by adding a new subparagraph (4) and amend paragraphs (g) and (j) of Orange Regulation 8 (7 CFR 944.307, 33 F.R. 14171, 18088) to read as follows:

§ 944.307 **Orange Regulation 8.**

(a) * * *

(4) As to Temple oranges, beginning April 7, 1969, through September 14, 1969, Temple oranges shall (i) grade at least U.S. No. 2: *Provided*, That any such oranges shall be free from damage caused by dryness or mushy condition, and (ii) be of a size not smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

* * * * *

(g) It is hereby determined that imports of oranges (other than Temple oranges) during the effective time of this regulation, are in most direct competition with oranges (other than Temple oranges) grown in the State of Texas. The requirements set forth in this section for oranges (other than Temple oranges) are the same as those applicable to oranges grown in Texas. 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.

* * * * *

(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 Tangelos (§§ 51.1140–51.1178 of this title).

* * * * *

Dated: March 14, 1969.

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

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

[7 CFR Part 1133]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for the period through November 1969.

The provisions proposed to be suspended are:

1. In § 1133.71(f) the provision "except for the months specified below,"; and

2. In § 1133.71, paragraphs (g), (h), (i), (j), and (k) in their entirety.

The provisions being considered for suspension are those which would reduce by 30 cents per hundredweight the uniform price to be paid producers for milk delivered in each of the months of April through June to provide a fund to be used in increasing the uniform price to be paid producers in each of the months of September through November. These provisions do not affect the cost of milk to handlers and the suspension will not affect the annual level of returns to producers.

Suspension of the seasonal incentive payment plan provisions for the year 1969 was requested by the cooperative associations representing a substantial majority of the milk supply for the market.

The associations request that the seasonal incentive payment plan be inoperative for the remainder of 1969 to preclude it from overlapping with a Class I Base Plan for the market should such a plan be adopted during the year. A hearing to consider such a plan has been requested by the associations and other interested persons.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on March 14, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-3295; Filed, Mar. 18, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 1-11; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS

Rear Underride Protection; Trailers and Trucks With Gross Vehicle Weight Rating Over 10,000 Pounds

The Administrator of the Federal Highway Administration is considering rule making that would result in amending 49 CFR Part 371, Federal Motor Vehicle Safety Standards, by adding a new Standard: Rear Underride Protection—Trailers and Trucks With Gross Vehicle Weight Rating Over 10,000 Pounds. An advance notice of proposed rulemaking was published in the FEDERAL REGISTER of October 14, 1967 (32 F.R. 14279). Comments received in response to that advance notice have been carefully considered.

Responses to the advance notice and other information have confirmed that the underriding of rear ends of trucks and trailers by passenger vehicles in the course of a rear end collision constitutes a major hazard to life and limb of the occupants of the striking vehicle. The great majority of comments in response to the advance notice supported the need for rear underride protection. Accident reports indicate that rear end collisions in which underride occurs are much more likely to cause fatalities than collisions generally.

The proposed Standard requires that underride protection be provided but it

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 describing the class of vehicles that by their inherent configuration do not need such a member. Instead, the proposed Standard requires that, at a height of no more than 18 inches from 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 test 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 furthermore, possible that since no 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 there is extensive mingling of 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 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. 26, 33 F.R. 11604).

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 cost of compliance. Comments should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. 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 in light of comments received. 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(c).

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

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

REAR UNDERRIDE PROTECTION—TRAILERS AND TRUCKS WITH GROSS 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 not more than 66 inches above the road surface, that is farthest to the rear when the cargo doors, tailgates, or other closing devices are in the normal closed and locked 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 road 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, restrained to prevent forward, upward, or lateral motion.

S5.2 Prepare a test block of rigid material with a plane surface in the form of a square 4 inches on a side ("the surface").

S5.3 Position the test block so that—

(a) The surface is vertical and facing forward in the direction of travel of the vehicle,

(b) The lower edge of the surface is in the same horizontal plane as the guard line,

(c) The center of the surface is at any one of three points: 15 inches inboard from either side of the guard line, or at the center of the guard line, and

(d) The surface is in contact with the rear surface of the vehicle.

S5.4 Apply a static force of 75,000 pounds in the forward direction to the test block, parallel to the direction of travel of the vehicle, with the block restrained from lateral or vertical movement.

S5.6 Required result: The test block shall not move more than 15 inches forward of the rearmost part of the vehicle. Each vehicle must be capable of meeting the test at the three contact points (center and each side) specified in S5.3(c), but a given vehicle need not meet the requirements of this standard after being tested at one of those points.

[F.R. Doc. 69-3254; Filed, Mar. 18, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 18479; FCC 69-220]

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 §§ 1.1203 and 1.1207 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 § 1.1207 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.

2. Authority for adoption of the proposed rules is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r), and in section 2(c) of the Administrative Procedure Act, 5 U.S.C. 551(c).

3. Pursuant to procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, 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 1.419, 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. WAPLE,
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(a) of the Communications Act.

* * * * *

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

§ 1.1207 Restricted rule making proceedings.

* * * * *

(a) An proceeding conducted pursuant to the provisions of sections 201(a), 204, 205, 213(a), 214(d), 221(c), or 222 of the Communications Act.

* * * * *

[F.R. Doc. 69-3279; Filed, Mar. 18, 1969; 8:48 a.m.]

[47 CFR Parts 2, 18, 21, 73, 74, 89, 91, 93]

[Docket No. 18262; FCC 69-224]

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, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile service between 806 and 960 MHz, Docket No. 18262.

1. We have before us 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, we 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,[1]
[SEAL] BEN F. WAPLE,
Secretary.

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

[47 CFR Parts 2, 89, 91, 93]

[Docket No. 18261; FCC 69-223]

GEOGRAPHIC 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 20 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-566.

1. We have before us 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 we 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,[1]
[SEAL] BEN F. WAPLE,
Secretary.

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

[1] Commissioner Wadsworth dissenting.

[47 CFR Part 73]

[Docket No. 18421]

HOURS OF OPERATION OF DOMINANT AND SECURITY STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.81 of the Commission's rules (hours of operation of dominant and security stations), Docket No. 18421.

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 28, 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 press 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 18421 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 4(i) and 303(r) of the Communications Act of

[1] Commissioner Wadsworth dissenting.

1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 12, 1969.

Released: March 13, 1969.

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

[F.R. Doc. 69-3283; Filed, Mar. 18, 1969; 8:48 a.m.]

[47 CFR Parts 81, 83]

[Docket No. 18480; FCC 69-221]

MARITIME MOBILE SERVICE

Conformity of Certain Coast and/or Ship Stations to Frequency Tolerance, Power Limitations, and Low-Pass Filter Requirements

In the matter of amendment of Parts 81 and 83 to require, in the maritime mobile service band 156–162 Mc/s, that coast and/or ship stations using transmitters first installed after January 1, 1970, conform to the frequency tolerance, power limitations and low-pass filter requirements set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) as amended, Docket No. 18480.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. In its Report and Order in Docket No. 17295, adopted July 17, 1968 (33 F.R. 10849), the Commission amended Parts 81 and 83 in regard to use of F3 emission in the band 156–162 Mc/s, to provide, among other things, that (a) coast and ship station transmitters type accepted after March 1, 1969, and all coast and ship stations after January 1, 1974, shall conform to the frequency tolerances set forth in §§ 81.131 and 83.131(c)(1), respectively; (b) that coast station transmitters, effective January 1, 1971, and ship station transmitters, effective January 1, 1974, include a low-pass filter as set forth in §§ 81.142(i) and 83.137(g), respectively; and (c) that ship station transmitters shall not exceed an output power of 25 watts and, additionally, shall include the capability to reduce, readily, the carrier power to 1 watt or less (§ 83.134(f)).

3. While the rules adopted July 17th require that all transmitters type accepted after March 1, 1969, conform to the new frequency tolerance requirements, they also permit transmitters type accepted prior to that date (for a frequency tolerance of 20 parts in 10^6 (0.002% to continue to be installed and operated until January 1, 1974. Under the July 17th rules, such transmitters are required to conform to the new frequency tolerance(s) on January 1, 1974. Under this arrangement, many of the transmitters, and these may be new, replacement or additional transmitters, which are to be installed at coast stations between now and January 1, 1974, could have a frequency tolerance capability of 20 parts in 10^6.

4. A similar situation exists in regard to ship stations. The rules adopted July 17th permit 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, however, 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 technical standards of the rules adopted July 17th.

5. A similar situation exists with regard to inclusion of the low-pass filter in new, replacement or additional transmitters installed in coast stations prior to January 1, 1971, or in ship stations prior to January 1, 1974. The rules adopted July 17th require this filter be included in coast station transmitters after January 1, 1971 (§ 81.142(i)) and in ship station transmitters after January 1, 1974 (§ 83.137(g)). 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.

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 worldwide 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 such transmitters conform to the power limitation provisions of the July 17th rules.

7. From the point of view of economic investment in transmitting equipment at a station, it would appear there would be small difference in the cost of (a) a transmitter having capability to conform to the frequency tolerance and power limitation provisions, as prescribed by the July 17th rules; and (b) a transmitter conforming to standards which predate the July 17th rules. (The cost of the pre-July 17th equipment should include the cost of modification, on January 1, 1974, to conform that equipment to the July 17th rules.) On this basis, there would be no economic burden, or other known hardship, imposed upon the licensee if the rules required that new, replacement, or additional transmitter(s) installed at a coast station or aboard ship after a selected date, conform to the frequency tolerance and power limitation provisions set forth in the July 17th rules.

8. In regard to the date after which coast and ship station licensees shall install transmitters conforming to the narrow-band technical standards, the date selected should be as early as practicable, consistent with availability of equipment conforming to these standards. The date selected should be subsequent to March 1, 1969, the date on and after which type accepted equipment shall conform to these standards. It appears the date of January 1, 1970, would fulfill these requirements and is therefore proposed.

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, 1970, shall 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.

10. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 21, 1969, and reply comments on or before May 1, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

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.

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

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.131, footnotes 1 following paragraphs (c)(2) and (d)(3) are amended to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(c) * * *
(2) * * *

[1] 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 10^6

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) * * *

[1] 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 10^6 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 § 81.142, footnote 2 to paragraph (i) is amended to read as follows:

§ 81.142 **Modulation requirements.**

* * * * *

(i) * * *

[2] 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.

B. Part 83, 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.**

* * * * *

(c) * * *

(2) * * *

[1] 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 10^6 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) * * *

[2] 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) * * *

[2] 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.

[F.R. Doc. 69-3280; Filed, Mar. 18, 1969; 8:48 a.m.]

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 hereinafter 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 1.5, 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. Data, views, information, objections, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than May 19, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., 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.

NOTE: These guides have not been approved by the Federal Trade Commission. They are a draft of proposed guides which are made available to all 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 nonprescription drugs.

Sec.

AUTHORITY: The provisions of this Part 249 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46.

§ 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 importation, 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) "Label" 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) "Labeling" means all labels and other written, printed, or graphic matter accompanying an article at the time it is sold at retail to the ultimate consumer.

(e) "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 laws 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 population. A false impression can be conveyed by words and sentences which although literally and technically true are formed in such a setting as to mislead and deceive. An advertisement may be found to be deceptive not merely by what it says but by what it fails to say. An advertisement is misleading if it fails to reveal facts material in the light of the representations it contains or which are material with respect to the consequences that may result from the use of the drug as recommended or suggested in the advertisement.

(b) If an advertisement is found to be deceptive the Commission may, if the circumstances reasonably permit such an inference, also find that such deception is "material" within the meaning of the Federal Trade Commission Act.

(c) The Commission will draw upon its own experience in interpreting advertising. It may do so without the aid of consumer testimony either as to express or implied representations. It may determine that advertising is misleading on the basis of its visual examination of exhibits even though members of the public may testify that they were not deceived by it. An advertisement will be regarded as deceptive if one of two or more permissible, reasonable interpretations is false or misleading.

(d) An affirmative disclosure may be required in advertisements of over-the-counter drugs when it is necessary to prevent deception. In such cases the disclosure should be clear and conspicuous. Untrue or misleading information in any part of an advertisement will not be corrected by the inclusion in another distinct part of the advertisement of a statement containing true information relating, for example, to side effects, contraindications, or effectiveness of the drug. Moreover, in advertising in which an affirmative disclosure is required, no direct or implied representation may be made, or over-all impression conveyed, which in any way negates or contradicts the facts which are affirmatively disclosed. Affirmative disclosure will be permitted, as a substitute for an outright ban on an advertising claim found misleading or deceptive, only when the disclosure will be fully effective in preventing deception and a more complete prohibition is unnecessary.

§ 249.3 Misrepresentation of benefits, efficacy, or safety.

(a) Industry members should not disseminate or cause to be disseminated any advertisement which misrepresents directly or by implication the efficacy, therapeutic benefits, or safety of an over-the-counter drug or of any ingredient or combination of ingredients contained therein, or the nature or likelihood of any side effects or contraindications. Illustratively:

(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 unqualifiedly represented as providing relief from a symptom, condition, or disease if in fact it provides no relief, or only temporary or partial relief, or if it may not provide relief for certain persons under certain conditions.

(3) An over-the-counter drug should not be represented as remedying, relieving or preventing a symptom, condition, or disease if it can be safely used for such purposes or conditions only under the supervision of a medical practitioner licensed by law.

(b) An advertisement should not employ a fanciful proprietary name for a drug or any ingredient in such a manner as to imply that the drug or ingredient has some novel or unique effectiveness or composition, when in fact the drug or ingredient is a common substance (e.g., aspirin, caffeine) which would be readily recognized by the public if the drug or ingredient were designated by its common or usual or established name.

(c) A representation in advertising that a certain benefit will be derived from the action of any specified ingredient or combination of ingredients should be accompanied by a clear and conspicuous disclosure of the common, or usual, or established name of such ingredient or combination of ingredients, if such there be, and such name is likely to be meaningful to the general public (e.g., aspirin, caffeine).

(d) An advertisement should not feature ingredients in a manner that creates an impression of value different from or greater than their true functional role in the formulation. For example, if ingredients are listed in the advertisement, the order in which they are listed should be the same as the order in which they are listed on the label of the product, and the information presented in the advertisement concerning the quantity of each such ingredient should be the same as the corresponding information in the labeling of the product.

(e) An advertisement of an over-the-counter drug should not represent that any benefit will be derived from the action of a specified ingredient or combination of ingredients unless the advertiser has established and can demonstrate that such ingredient or combination of ingredients is as efficacious as represented for the purposes for which it is offered when the formulation is taken in accordance with the directions for use.[1]

(f) A representation that an over-the-counter drug will produce specified therapeutic benefits or other results should be accompanied by a clear and conspicuous disclosure of:

(1) The dosage to be used—in terms of frequency, amount, and duration—if it deviates in any way from the dosage recommended on the label;

(2) Any side effects or contraindications which may be anticipated at the dosage level recommended;

(3) The course of treatment which should be used if it differs from that prescribed on the label;

(4) Any other material limitations concerning the effectiveness of the drug in obtaining the stated results.

(g) A representation that a drug is safe should be accompanied by an appropriate qualification, such as "if taken as directed on the label" or by a disclosure of any side effects, contraindications, cautions, warnings, and similar information set forth on the label. See also § 249.4.

(h) An over-the-counter drug should not be unqualifiedly represented as a remedy for symptoms or conditions which may be common manifestations or various diseases or disorders unless the drug will in fact be effective in remedying the symptoms or conditions regardless of their cause.

(i) Advertisements should not represent that consumers suffering from particular symptoms (for example, tiredness) can themselves diagnose the cause (for example, nutritional deficiency) unless an accurate self-diagnosis can be made by laymen in such cases, and medical or laboratory tests or examinations conducted by or under the supervision of a doctor or competent technician are ordinarily unnecessary to permit an accurate diagnosis of the underlying disease or other cause.

§ 249.4 Advertising should be consistent with labeling.

(a) Advertising for an over-the-counter drug should not contain any representation with respect to efficacy or safety which distorts, contradicts, negates or is otherwise inconsistent with any representations, warnings, statements, or directions for use, or other information which appears in the labeling of such product.

(b) Advertisements for over-the-counter drugs should not contain a representation or suggestion, not approved or permitted for use in the labeling of the product, that a drug is better, more effective, useful in a broader range of conditions or patients, safer, has fewer or less serious side effects or contraindications or less incidence thereof unless the advertiser has established and can demonstrate that such is the fact,[1] whether or not such representation or suggestion is made by comparison with other drugs or treatments, and whether or not such a representation or suggestion is made directly or through the use of published or unpublished literature, quotations, or other references.

(c) It is no defense to a charge that advertising is misleading that statements included in labeling explain or modify the advertising claims. Abandonment of an advertisement is no defense

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See footnote at end of document.

to a charge that it is false and misleading.

§ 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.[1] 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. Dangling 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; and

(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 fullfill 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."

(e) 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.]

[1] 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.

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. 10]

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 6 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
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.

Dated: March 13, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

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

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 10468]

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 for multiple use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under 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.

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:

CARBON COUNTY

PRINCIPAL MERIDIAN, MONTANA

T. 8 S., R. 23 E.,
Sec. 5, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The area described contains 120 acres.

3. 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 Billings District Manager, Bureau of Land Management, 3021 Sixth Avenue North, Billings, Mont. 59101.

EDWIN ZAIDLICZ,
State Director.

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

[Serial No. N-1194]

NEVADA

Notice of Offering of Land for Sale

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, and pursuant to an application from the city of Wells, Nev., the Secretary of the Interior will offer for sale the following 20-acre tract:

MOUNT DIABLO MERIDIAN, NEVADA

T. 38 N., R. 62 E.,
Sec. 32, N½SE¼SW¼.

The land is 2 miles northwest of Wells and is needed in connection with the development of sewage treatment facilities. The land has been zoned for public district purposes.

It is the intention of the Secretary to enter into an agreement with the city of Wells to permit the city to purchase the land at its appraised fair market value. 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. 69-3245; Filed, Mar. 18, 1969; 8:45 a.m.]

[OR 4377]

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 a 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 4 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, Jefferson, 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, 36–05, February 1969.

The description of the areas is as follows:

WILLAMETTE MERIDIAN

T. 1 N., R. 11 E.,
Secs. 1, 11, 12, 34, and 35.
T. 1 N., R. 12 E.,
Sec. 20 and secs. 29 to 32, inclusive.
T. 1 N., R. 15 E.,
Secs. 11, 12, 14, 23, 24, and 26.
T. 1 N., R. 16 E.,
Secs. 30, 32, and 34.
T. 1 N., R. 19 E.,
Secs. 2, 4, 10, secs. 12 to 14, inclusive, except NE¼NW¼ and SE¼NE¼ of sec. 12, and sec. 25.
T. 1 N., R. 20 E.,
Secs. 30 and 31.
T. 2 N., R. 18 E.,
Secs. 10, 11, 12, 14, and 15.
T. 2 N., R. 19 E.,
Secs. 6, 18, 19, 20, 28, 30, 32, and 34.
T. 3 N., R. 17 E.,
Sec. 14, lot 1 and sec. 24.
T. 3 N., R 18 E.,
Secs. 18, 20, 22, 26, 28, 30, 32, 33, and 34.
T. 1 S., R. 11 E.,
Secs. 1 to 3, inclusive.
T. 1 S., R. 12 E.,
Sec. 6.
T. 1 S., R. 15 E.,
Secs 24 to 26, inclusive, and sec. 35.
T. 1 S., R. 16 E.,
Secs. 4 to 6, inclusive, secs. 8, 17, 19, 20, and secs. 29 to 32, inclusive.
T. 1 S., R. 18 E.,
Secs 24 to 26, inclusive, and sec. 35.
T. 1 S., R. 19 E.,
Secs. 1 to 3, inclusive, secs. 8 to 15, inclusive, secs. 17 to 26, inclusive, secs. 29 to 32, inclusive, and sec. 35.
T. 1 S., R. 20 E.,
Secs. 5 to 9, inclusive, except NE¼NW¼ of sec. 9.
T. 2 S., R. 15 E.,
Sec. 1, secs. 12 to 15, inclusive, secs. 22 to 28, inclusive, and secs. 33 to 35, inclusive.
T. 2 S., R. 16 E.,
Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 2 S., R. 18 E.,
Sec. 1, secs. 11 to 14, inclusive, secs. 20 to 29, inclusive, and secs. 34 and 35.
T. 2 S., R. 19 E.,
Secs. 5 to 8, inclusive, secs. 18 to 20, inclusive, and secs. 29 to 33, inclusive.
T. 3 S., R. 14 E.,
Sec. 1, secs. 10 to 14, inclusive, secs. 23, 24, and 35.
T. 3 S., R. 15 E.,
Secs 3 to 10, inclusive, and secs. 17 and 18.
T. 3 S., R. 18 E.,
Secs. 1 to 3, inclusive, secs. 9 to 15, inclusive, secs. 20 to 29, inclusive, and secs. 32 to 35, inclusive.
T. 4 S., R. 12 E.,
Secs. 25 and 35.
T. 4 S., R. 13 E.,
Secs. 9, 10, 17, 19, and 20.
T. 4 S., R. 14 E.,
Secs. 1 to 3, inclusive, secs. 7 to 15, inclusive, secs. 17, 20, 21, 24, 29, 32, and 33.
T. 4 S., R. 15 E.,
Secs. 7, 8, lot 4, SE¼SW¼, sec. 18, secs. 19, 20, 23, 24, and 30.
T. 4 S., R. 16 E.,
Secs. 19, 29, 32, 33, and 34.
T. 4 S., R. 18 E.,
Secs. 1 to 4, inclusive, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, secs. 34 and 35.
T. 4 S., R. 19 E.,
Secs. 19, 26, and secs. 29 to 35, inclusive.
T. 4 S., R. 20 E.,
Secs. 27 to 35, inclusive.
T. 5 S., R. 11 E.,
Secs. 9, 10, secs. 13 to 15, inclusive, and secs. 21 and 35.
T. 5 S., R. 12 E.,
Secs. 2, 3, 4, secs. 7 to 9, inclusive, and sec. 18.
T. 5 S., R. 13 E.,
Secs. 12 to 15, inclusive, secs. 22, 24, 25, and 33.
T. 5 S., R. 14 E.,
Secs. 1, 5, 6, and 7.
T. 5 S., R. 15 E.,
Sec. 6.
T. 5 S., R. 16 E.,
Secs. 1, 2, 3, and secs. 10 to 13, inclusive.
T. 5 S., R. 17 E.,
Secs. 18 and 32.
T. 5 S., R. 18 E.,
Secs. 1, 2, 3, 10, 11, 15, 20, 21, 22, secs. 24 to 29, inclusive, and secs. 32 to 35, inclusive.
T. 5 S., R. 19 E.,
Secs. 1 to 10, inclusive, secs. 12, 17, 19, 20, 21, and secs. 28 to 32, inclusive.
T. 5 S., R. 20 E.,
Secs. 3, 4, and 10.
T. 6 S., R. 13 E.,
Secs. 1, 4, 5, 8, 9, 12, 13, 16;
Sec. 20, NE¼ and E½NW¼;
Sec. 21, lots 3 and 4, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 22, lots 1 and 2;
Sec. 26, lots 2, 3, 4, and 6;
Sec. 27, lot 1;
Sec. 36, lots 2, 3, 4, 5, 6, and 7, N½NE¼.
T. 6 S., R. 14 E.,
Sec. 6;
Sec. 17, NW¼SW¼;
Secs. 18 to 21, inclusive;
Sec. 28, lots 2, 3, 9, 10, 11, 12, 13, and 14, N½SW¼;
Sec. 29, lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, S½NE¼, N½SE¼.
T. 6 S., R. 17 E.,
Sec. 6.
T. 6 S., R. 18 E.,
Sec. 2, lot 1, NE¼SE¼, secs. 11, 14, 23, 25, 26, 27, 33, and 35.
T. 6 S., R. 19 E.,
Secs. 6, 7, 8, secs. 17 to 22, inclusive, and secs. 27 to 31, inclusive.
T. 7 S., R. 14 E.,
Secs. 2, 3, and SE¼SE¼ sec. 4;
Sec. 5, lot 18;
Sec. 6, lots 5, 6, 7, and 8;
Sec. 8, lot 3;
Sec. 9, lots 3 and 4, E½E½, S½SW¼, SW¼SE¼;
Secs. 10, 11, 14 and 15;
Sec. 17, lots 2, 3, and 4, E½E½;
Sec. 20, lots 1, 2, 3, and 4;
Secs. 21 to 24, inclusive;
Sec. 28;
Sec. 29, lot 1.
T. 7 S., R. 16 E.,
S½SW¼ sec. 13, S½SE¼ sec. 14, secs. 20 to 25, inclusive, secs. 27 to 29, inclusive, secs. 31, 32, and 33.
T. 7 S., R. 17 E.,
Secs. 8, 12, 14, 18, and 20.
T. 7 S., R. 18 E.,
Secs. 1, 3, 4, 5, secs. 7 to 10, inclusive, secs. 12 to 15, inclusive, secs. 17, 18, secs. 20 to 28, inclusive, secs. 34 and 35.
T. 7 S., R. 19 E.,
Secs. 4 to 10, inclusive, sec. 15, secs. 17 to 22, inclusive, and secs. 28 to 34, inclusive.
T. 8 S., R. 14 E.,
Sec. 4, lots 4, 5, 6, and 7, SE¼NW¼;
Sec. 5, lot 1;
Sec. 9, lots 1, 2, 3, and 4;
Sec. 10, SW¼NW¼ and NW¼SW¼;
Sec. 15, SE¼NW¼ and SW¼SW¼;
Sec. 21, lots 1, 2, 3, 4, and 5, E½NE¼, S½SW¼, and SW¼SE¼;
Secs. 22, 23, and 27;
Sec. 29, lots 2, 3, lots 9 to 17, inclusive, and SE¼SE¼;
Sec. 32, lots 1, 2, and 3;
Secs. 33 and 35.
T. 8 S., R. 15 E.,
Secs. 1, 2, secs. 11 to 15, inclusive, secs. 22 to 25, inclusive, secs. 27 to 29, inclusive, secs. 31 to 33, inclusive, and sec. 35.
T. 8 S., R. 16 E.,
Secs. 5 to 9, inclusive, secs. 18 and 19.
T. 8 S., R. 18 E.,
Secs. 1, 12, 13, 24, 26, and 34.
T. 8 S., R. 19 E.,
Secs. 3 to 15, inclusive, secs. 17, 18, secs. 20 to 27, inclusive, secs. 30, 32, 34, and 35.
T. 8 S., R. 20 E.,
Secs. 6, 7, 18, 19, 20, lots 1, 2, and 3, sec. 21, lots 2 and 3, sec. 28, secs. 29, 31, and 32.
T. 8 S., R. 22 E.,
Secs. 24 and 25.
T. 8 S., R. 23 E.,
Sec. 19, lots 2 and 3, SE¼SW¼ sec. 30, secs. 31, 32, 33, and SE¼SE¼ sec. 35.
T. 8 S., R. 24 E.,
SE¼SW¼ sec. 29 and secs. 31 to 35, inclusive.
T. 8 S., R. 25 E.,
Lot 4, sec. 19, SE¼ sec. 20, SW¼NW¼, W½SW¼ sec. 27, and secs. 28 to 35, inclusive.
T. 9 S., R. 12 E.,
Sec. 36, S½S½SE¼ that portion lying east and south of Deschutes River.
T. 9 S., R. 13 E.,
Sec. 12, lots 1, 2, 3, 4, and 5, E½SE¼;
Sec. 13, lot 1, NW¼NE¼, NE¼NW¼, and SW¼NW¼;
Sec. 14, lots 1, 2, 3, 4, and 9, SE¼NE¼;
Sec. 15, lots 1, 2, 3, 4, and 9, S½NE¼, SE¼NW¼, and NW¼SW¼;
Sec. 20, lot 2, E½NE¼, SW¼NE¼, and W½SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, SW¼NW¼;
Sec. 30, S½NE¼ and W½SE¼;
Sec. 31, lot 4, NW¼NE¼, and SW¼SE¼.
T. 9 S., R. 14 E.,
Secs. 1 to 4, inclusive;
Sec. 5, lot 1, lot 4 that portion between the railroad right-of-way and the Deschutes River, NW¼SW¼;
Sec. 6, lots 1 and 2;
Sec. 7, lots 1 to 5, inclusive, NE¼NE¼, SE¼NW¼, and NE¼SW¼;
Secs. 9, 10, 15, 22, and 23.
T. 9 S., R. 18 E.,
Secs. 2, 12, 14, 23, and 24.
T. 9 S., R. 19 E.,
Secs. 1, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 30, 31, and 34.
T. 9 S., R. 20 E.,
Secs. 5 to 9, inclusive, secs. 18, 20, 25, 26, 30, 32, and 34.
T. 9 S., R. 21 E.,
Secs. 22 to 26, inclusive, and secs. 28 to 35, inclusive.
T. 9 S., R. 22 E.,
Sec. 1, secs. 10 to 15, inclusive, secs. 19, 20, 22, 23, secs. 27 to 30, inclusive, and secs. 32 and 35.
T. 9 S., R. 23 E.,
Secs. 1 to 6, inclusive, secs. 8, 9, N½ sec. 10, N½ sec. 11, secs. 12, 17, and 18.
T. 9 S., R. 24 E.,
Secs. 2, 5, 6, lot 1 sec. 7, secs. 12, 14, secs. 23 to 27, inclusive, secs. 34 and 35.
T. 9 S., R. 25 E.,
Secs. 2 to 14, inclusive, secs. 19, 21, secs. 23 to 27, inclusive, secs. 30, 34, and 35.
T. 10 S., R. 12 E.,
Sec. 13, lot 4;
Sec. 24, lots 5 and 6;
Sec. 25, lots 6, 7, 8, 9, 10, and 11;
Sec. 35, lots 4 and 5.
T. 10 S., R. 13 E.,
Sec. 18, lots 1, 2, 3, and 4, NE¼SW¼;
Sec. 19, lots 1, 2, and 3, E½NW¼;
Secs. 29, 30, 32, and 33.
T. 10 S., R. 17 E.,
Secs. 2, 6, 7, 12, 17, 18, 20, 21, 23, secs. 25 to 28, inclusive, and secs. 30 and 35.

T. 10 S., R. 18 E.,
Secs. 1, 6, 10, 14, 18, 22, 23, 24, 26, 27, and secs. 30 to 35, inclusive.
T. 10 S., R. 19 E.,
Secs. 4, 6, 7, 8, 11, secs. 17 to 21, inclusive, and secs. 25 to 31, inclusive.
T. 10 S., R. 20 E.,
Secs. 4, 7, 12, 14, 17, 18, and secs. 28 to 34, inclusive.
T. 10 S., R. 21 E.,
Secs. 1 to 6, inclusive, secs. 8 to 15, inclusive, sec. 18, secs. 20 to 24, inclusive, secs. 27, 30, 32, 34, and 35.
T. 10 S., R. 22 E.,
Sec. 5, lot 4, SW¼NW¼.
T. 10 S., R. 24 E.,
Secs. 2, 3, NE¼NE¼ sec. 11, secs. 12, 13, 24, 25, and 35.
T. 10 S., R. 25 E.,
Secs. 1 to 7, inclusive, secs. 9 to 15, inclusive, and secs. 17 to 35, inclusive.
T. 11 S., R. 11 E.,
Sec. 25, lots 2, 3, and 4, S½S½;
Sec. 27, lot 3, S½NE¼, NE¼SE¼, and N½SW¼;
Sec. 33, NE¼SE¼.
T. 11 S., R. 12 E.,
Sec. 2, lots 1, 2, 3, 4, and 5, N½SE¼, SE¼SE¼;
Sec. 10, lots 1, 2, 3, 4, and 5, S½SE¼;
Sec. 11, lots 2 and 3, NE¼NW¼, and NW¼SW¼;
Sec. 15, lots 5, 6, 7, and 8;
Sec. 22, lots 1, 2, 3, and 4, SW¼SE¼ and NE¼SE¼;
Sec. 23, N½SE¼ and SW¼SW¼;
Sec. 24, NW¼NW¼ and NW¼SW¼;
Sec. 26, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 27, lots 2, 3, 4, and 5, W½NE¼, NE¼NW¼, S½NW¼, and NW¼SE¼;
Sec. 28, lots 1, 2, 3, and 4, NW¼SE¼;
Sec. 29, lots 2 and 3;
Sec. 30, lots 1, 2, 3, 4, and 5;
Sec. 31, lots 1, 2, and 3, W½NE¼ and E½NW¼;
Sec. 32, W½NE¼, N½NW¼, NW¼SW¼, and W½SE¼;
Sec. 34, lots 2, 3, and 4, SE¼SW¼ and W½SE¼;
Sec. 35, SW¼NE¼, W½, and NW¼SE¼.
T. 11 S., R. 18 E.,
Secs. 3, 4, 9, 10, and 25.
T. 11 S., R. 19 E.,
Secs. 1, 2, 3, secs. 5 to 8 inclusive, secs. 12, 13, 14, 17, secs. 19 to 23, inclusive, secs. 26 to 29, inclusive, secs. 31, 32, 33, and 35.
T. 11 S., R. 20 E.,
Secs. 3 to 6, inclusive;
Sec. 9, NW¼NE¼;
Sec. 10, N½N½, S½NE¼, and SE¼NW¼.
T. 11 S., R. 21 E.,
Secs. 2 and 4.
T. 11 S., R. 24 E.,
Secs. 1, 2, 12, 13, 14, and 24.
T. 11 S., R. 25 E.,
Secs. 1 to 9, inclusive, secs. 11 to 15, inclusive, sec. 17, secs. 21 to 32, inclusive, and secs. 34 and 35.
T. 12 S., R. 11 E.,
Sec. 4, SE¼NE¼ and NE¼SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, SE¼NW¼ and NE¼SE¼;
Sec. 12, SW¼NE¼ and SW¼SW¼;
Sec. 13, W½NW¼ and N½SW¼;
Sec. 14, S½NE¼, SE¼NW¼, W½SE¼, and NE¼SE¼;
Sec. 20, NW¼NE¼;
Sec. 23, E½SW¼ and W½SE¼;
Sec. 24, SW¼SE¼;
Sec. 25, W½NW¼ and NW¼SW¼;
Sec. 26, NE¼, E½NW¼, and SW¼NW¼;
Sec. 34, SW¼SE¼;
Sec. 35, S½NE¼.
T. 12 S., R. 12 E.,
Sec. 2, lot 4;
Sec. 3, lots 1, 2, 3, 6, 7, 8, 9, and 10, SW¼;
Sec. 9, SE¼SE¼;
Sec. 10, lots 1, 2, 3, 4, 6, 8, 9, 11, and 14;
Sec. 11, N½SW¼ and SW¼SW¼;
Sec. 14, W½;
Sec. 15, lots 3 and 4;
Sec. 19, NE¼SW¼;
Sec. 21, W½E½, E½W½, and SW¼SW¼;
Sec. 22, SE¼SE¼;
Sec. 23, NW¼ and N½SW¼;
Sec. 27, lots 1, 2, 3, 5, 6, 7, 9, 10, and 11, NW¼SW¼.
T. 12 S., R. 20 E.,
Secs. 6, 7, and 8.
T. 12 S., R. 24 E.,
Sec. 1, lots 1 and 2.
T. 12 S., R. 25 E.,
Secs. 1 to 6, inclusive, secs. 12, 14, 24, 26, 32, and 34.
T. 13 S., R. 11 E.,
Lot 3 sec. 5, SW¼NW¼ sec. 17, and SE¼NE¼ sec. 18.
T. 13 S., R. 12 E.,
Sec. 3, lots 7 and 8;
Sec. 4, lots 3 and 7, SW¼NE¼, NW¼SE¼;
Sec. 5, lots 3 and 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6, lot 10, NE¼SE¼;
Sec. 7, E½NE¼;
Sec. 8, NW¼NW¼, S½NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, lots 12 and 14;
Sec. 14, lot 5, NE¼NW¼;
Sec. 17, W½E½ and SE¼SE¼;
Sec. 19, NE¼SE¼;
Sec. 20, N½NE¼ and SE¼NE¼;
Sec. 21, SW¼NW¼, N½S½, and SE¼SE¼;
Sec. 24, SW¼NE¼;
Sec. 27, SW¼NW¼ and NW¼SW¼;
Sec. 28, lots 1, 2, 3, 4, and 5, NW¼NE¼;
Sec. 30, NW¼NE¼;
Sec. 33, lots 2, 3, and 4, SW¼NE¼ and SE¼NW¼;
Sec. 34, W½SW¼.
T. 13 S., R. 13 E.,
Sec. 31, lot 3.
T. 13 S., R. 24 E.,
Sec. 12;
Sec. 13, NE¼.
T. 13 S., R. 25 E.,
SE¼SE¼ sec. 6, secs. 7, 12, 13, 14, and secs. 17 to 24, inclusive.

The areas described aggregate approximately 275,000 acres of public lands.

4. As provided in paragraph 2, the following described public lands, which are a part of the lands described in paragraph 3, are further segregated from location or appropriation under the general mining laws:

WILLAMETTE MERIDIAN

T. 2 S., R. 15 E.,
Sec. 26, S½SW¼.
T. 3 S., R. 14 E.,
Sec. 13, S½NW¼ and N½SW¼;
Sec. 14, E½SE¼.
T. 3 S., R. 15 E.,
Sec. 3, W½SW¼;
Sec. 4, SW¼;
Sec. 5, E½SE¼;
Sec. 7, NE¼SW¼ and N½SE¼;
Sec. 8, SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 17, NE¼NE¼ and N½SE¼.
T. 4 S., R. 14 E.,
Sec. 20, SE¼NE¼;
Sec. 21, NW¼NW¼;
Sec. 29, W½NE¼ and W½SE¼;
Sec. 32, N½NE¼;
Sec. 33, W½NW¼ and NW¼SW¼.
T. 5 S., R. 13 E.,
Sec. 24, lots 5 and 6;
Sec. 25, lots 5, 7, and 8.
T. 7 S., R. 14 E.,
Sec. 8, lot 3;
Sec. 9, lots 3 and 4, S½SW¼;
Sec. 17, lots 2, 3, and 4.
T. 8 S., R. 14 E.,
Sec. 21, lots 1, 2, 3, 4, and 5, S½SW¼ and SW¼SE¼;
Sec. 29, lots 9, 10, 11, 12, 13, 14, 15, 16, and 17;
Sec. 32, lots 1, 2, and 3.
T. 9 S., R. 13 E.,
Sec. 12, lots 2, 3, 4, and 5;
Sec. 13, lot 1, NW¼NE¼ and NE¼NW¼.
T. 13 S., R. 12 E.,
Sec. 8, NW¼NW¼ and S½NW¼;
Sec. 33, lots 2 and 3, SW¼NE¼, and SE¼NW¼.

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, 185 East 4th Street, Prineville, Oreg. 97754.

6. Public hearings on the proposed classification will be held at 1 p.m., on April 15, 1969, at the Courthouse in Condon, Oreg.; at 10 a.m., April 16, at the Courthouse in The Dalles, Oreg.; and at 10 a.m., April 17, at the Courthouse in Madras, Oreg.

DANIEL P. BAKER,
Assistant State Director.

[F.R. Doc. 69-3247; Filed, Mar. 18, 1969; 8:45 a.m.]

Office of the Secretary

[Order 2508, Amdt. 81]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority Regarding Lands and Minerals

In section 13, Lands and minerals, of Order 2508, paragraph (u) is revised to read as follows:

(u) The approval of assignments and the issuance of certificates of assignments to Minnesota Mdewakanton Sioux Indians of land acquired by the United States pursuant to the Acts of June 29, 1888 (25 Stat. 228), March 2, 1889 (25 Stat. 992), and August 19, 1890 (26 Stat. 349).

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MARCH 10, 1969.

[F.R. Doc. 69-3252; Filed, Mar. 18, 1969; 8:46 a.m.]

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:

1. Propylthiouracil Tablets, 50 milligrams; marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 6–212).

2. Propylthiouracil Tablets, 50 milligrams; marketed by Cole Pharmacal Co., Inc., 3721 Laclede Avenue, St. Louis, Mo. 63108 (NDA 6–416).

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., Joseph Campau Avenue at the River, Detroit, Mich. 48232 (NDA 6–286).

6. Propylthiouracil Tablets, 50 milligrams; marketed by Rexall Drug & Chemical Co., 8480 Beverly Boulevard, Los Angeles, Calif. 90054 (NDA 6–846).

7. Propylthiouracil Tablets, 50 milligrams; marketed by the Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 6–250).

8. Tapazole (Methimazole) Tablets, 5 and 10 milligrams; marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 7–517).

9. Itrumil Sodium (Iothiouracil Sodium) Tablets, 50 milligrams; marketed by Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 7–765).

The Food and Drug Administration concludes 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. Iothiouracil 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 labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

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.)

Actions

Propylthiouracil inhibits the synthesis of thyroid hormones and thus is effective in the treatment of hyperthyroidism because it blocks excess production of these hormones. 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.

Warnings

Pregnancy: Propylthiouracil 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 a reduction of dose possible. In some instances propylthiouracil can be withdrawn 2 or 3 weeks before delivery.

The noncomitant administration of thyroid during propylthiouracil therapy of the pregnant hyperthyroid woman is also recommended in order that hypothyroidism in the mother and her fetus may be prevented. Administration should continue through and beyond delivery. Postpartum patients receiving propylthiouracil should not nurse their babies.

Precautions

Patients who receive this medication should be under close surveillance and should be impressed with the necessity of reporting immediately any evidence of illness, particularly sore throat, skin eruptions, fever, headache, or general malaise. In such cases, a white blood cell and differential count should be made to determine whether agranulocytosis has developed.

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, drowsiness, neuritis, edema, vertigo, skin pigmentation, jaundice, sialadenopathy, and lymphadenopathy.

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 hypoprothrombinemia.

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

Dosage 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 600–900 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 period for obtaining substantial 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 labeling may continue to include the indication for which the drug is evaluated as possibly effective as described in paragraph A–2 above.

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 the 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

the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

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.)

ACTIONS

Methimazole inhibits the synthesis of thyroid horomones and thus is effective in the treatment of hyperthyroidism because it blocks excess production of these hormones. 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.

WARNINGS

PREGNANCY: Methimazole 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 a reduction of dose possible. In some instances methimazole can be withdrawn 2 or 3 weeks before delivery.

The concomitant administration of thyroid during methimazole therapy of the pregnant hyperthyroid woman is also recommended in order that hypothyroidism in the mother and her fetus may be prevented. Administration should continue through and beyond delivery. Postpartum patients receiving methimazole should not nurse their babies.

PRECAUTIONS

Patients who receive this medication should be under close surveillance and should be impressed with the necessity of reporting immediately any evidence of illness, particularly sore throat, skin eruptions, fever, headache, or general malaise. In such cases, a white blood cell and differential count should be made to determine whether agranulocytosis has developed.

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, drowsiness, neuritis, edema, vertigo, skin pigmentation, jaundice, sialadenopathy, and lymphadenopathy.

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 hypoprothrombinemia.

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 moderately severe cases, and 60 milligrams 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.

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

E. *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."

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.)

ACTIONS

Iothiouracil inhibits the synthesis of thyroid hormone.

INDICATIONS

Mild hyperthyroidism.

CONTRAINDICATIONS

Hypersensitivity.

As a treatment in the preparation of hyperthyroid patients for radioactive iodine therapy. The stable iodine in iothiouracil results in the gland storing colloid that is rich in thyroid hormone. When the gland is destroyed with radioactive iodine, the release of its hormone may induce severe thyroid storm.

WARNINGS

The P.B.I. test is invalid in patients receiving iothiouracil.

Severe hyperthyroidism may be inadequately controlled. Iothiouracil is approximately one-half iodine and one-half thiouracil by weight. Accordingly, if 300 milligrams are given daily, the patient is receiving approximately 150 milligrams of iodine, which is more than usually required, and 150 milligrams thiouracil, less than usually required to control severe thyrotoxicosis.

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 a reduction of dose possible. In some instances iothiouracil can be withdrawn 2 or 3 weeks before delivery.

The concomitant administration of thyroid during iothiouracil therapy of the pregnant hyperthyroid woman is also recommended in order that hypothyroidism in the mother and her fetus may be prevented. Administration should continue through and beyond delivery. Postpartum patients receiving iothiouracil should not nurse their babies.

PRECAUTIONS

Patients who receive this medication should be under close surveillance and should be impressed with the necessity of reporting immediately any evidence of illness, particularly sore throat, skin eruptions, fever, headache, or general malaise. In such cases, a white blood cell and differential count should be made to determine whether agranulocytosis has developed.

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 lose of hair, myalgia, headache, pruritis, drowsiness, neuritis, edema, vertigo, skin pigmentation, jaundice, sialadenopathy, and lymphadenopathy.

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 hypoprothrombinemia.

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 dose: Initial—300 milligrams daily in mild hyperthyroidism, divided into 3 doses at intervals of 8 hours; maintenance—150 to 200 milligrams daily.

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

E. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to

applications approved for 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 basis of safety prior to Oct. 10, 1962) 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 below 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 are acted upon provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described herein.

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. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (Rx or OTC statement), 6 (components), and 7 (composition), of the new-drug application form FD-356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of 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, packing, and holding of the drug are in conformity with current good manufacturing practice as prescribed by Part 133 (21 CFR Part 133).

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

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

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 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.

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 recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

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

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after 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 a drug of similar composition and labeling to the subject drugs or any other interested person may obtain a copy by request to the appropriate office named below.

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

Requests for NAS-NRC report: Press Relations Office (CE-300).
Supplements: 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. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 12, 1969.

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

[F.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 9A2346) 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 121) to provide for the safe use in beer production of a modified hop extract processed with methylene chloride, hexane, and methyl alcohol as solvents.

Dated: March 12, 1969.

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

[F.R. Doc. 69-3263; Filed, Mar. 18, 1969; 8:46 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. 69-2984 appearing at page 5128 of the issue for Wednesday, March 12, 1969, delete the sixth line in

column one on page 5129 and insert in lieu thereof "Va., as of November 6, 1967. Total estimated".

Social and Rehabilitation Service

ACTING CHIEF, CHILDREN'S BUREAU

Notice of Designation

I hereby designate Mr. Jule M. Sugarman as Acting Chief, Children's Bureau.

Dated: March 12, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-3255; Filed, Mar. 18, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19856]

MIAMI-LONDON ROUTE INVESTIGATION

Notice 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., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 14, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-3285; Filed, Mar. 18, 1969; 8:48 a.m.]

[Docket No. 20776]

NOVO INDUSTRIAL CORP. AND HOURLY MESSENGERS, INC.

Notice of Proposed Approval

Application of Novo Industrial Corp. and Hourly Messengers, Inc., for approval of control relationships under section 408 of the Federal Aviation Act, Docket 20776.

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

Dated at Washington, D.C., March 14, 1969.

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

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.[1]

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.[2] This authority, however, is subject to several restrictions.[3]

No comments relative to the application have been received.

Notice of intent to dispose of the application has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Hourly is a common carrier and Novo's acquisition of Hourly while controlling ADI and Air Expediting is subject to section 408 of the Act. However, it has been further concluded that such control relationships do not affect the control of a direct air carrier, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships do not appear to present any regulatory problems, particularly in view of the restrictions placed on Hourly's authority by the ICC.[4] Consequently, it appears that approval of the control relationships would not be inconsistent with the public interest.[5]

However, the Board believes that any further expansion of the surface rights of Hourly may give rise to issues not now present. Consequently, the approval granted herein will be effective only so long as Hourly's surface rights are not expanded beyond their present scope. The Board will also reserve jurisdiction generally over the control relationships subject to its approval.

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

Accordingly, it is ordered:

1. That the acquisition of Hourly by Novo be and it hereby is approved;

2. That the approval granted herein shall be effective only so long as Hourly's surface rights are not expanded beyond their present scope; and

3. That jurisdiction over the instant application be and it hereby is retained for the purpose of imposing from time to time such further terms and conditions as the Board may find to be just and reasonable.

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

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

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3284; Filed, Mar. 18, 1969; 8:48 a.m.]

[Docket No. 18257]

SOUTHERN TIER COMPETITIVE NONSTOP INVESTIGATION

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation now assigned for April 16 is postponed to begin on April 23, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 14, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-3286; Filed, Mar. 18, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1113]

HELM'S INTERNATIONAL, INC.

Order of Revocation

On January 17, 1969, the Fidelity and Deposit Company of Maryland notified the Commission that the Independent

[1] See Orders E-24429, Nov. 21, 1966; E-26863, June 3, 1968; 68-10-181, Oct. 31, 1968; and 68-11-61, Nov. 14, 1968.

[2] Hourly Messengers, Inc., 108 MC 402, Jan. 31, 1969.

[3] Such restrictions include inter alia, that no package weighing more than 50 pounds and exceeding 108 inches in length and girth combined may be carried; that Hourly may not transport packages weighing in the aggregate of more than 100 pounds from one consignor at one location to one consignee at one location on any one day; that Hourly may not transport traffic having a prior or subsequent movement by air; and that Hourly must surrender its contract carriage permit to the ICC except for that portion authorizing the transportation of processed or unprocessed film.

[4] See footnote 3, supra.

[5] See Order E-22451, July 19, 1965.

Ocean Freight Forwarder Surety Bond No. 79-62789, underwritten in behalf of Helm's International, Inc., 1010 Lincoln Highway West, Irwin, Pa. 15642, would be canceled effective February 20, 1969.

Helm's International, Inc., was notified that unless a new surety 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 (46 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.

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

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

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

Independent Ocean Freight Forwarder Licenses and Applicants Therefor; Revisions

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, 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.

A.O.K. Shipping Service, Inc., Pier No. 3, Municipal Docks, Post Office Box 2798, Miami, Fla.

Mark O'Hara, 4103 West 101st Street, Inglewood, Calif.

Birdsall Construction Co., 821 Avenue E, Riviera Beach, Fla.

Arthur Jacobs, 1216 Burke Avenue, Bronx, N.Y.

L. Graja & T. Caorsi, Inc., c/o William A. Barta, Room 1117, 39 Broadway, New York, N.Y.

Monumental-Security Storage Co., 3006 Druid Park Drive, Baltimore, Md.

Luis Hernandez, Herco International, 959 Southwest 69 Avenue, Miami, Fla.

Regis F. Kramer & Co., 5428 West 104th Street, Los Angeles, Calif.

Dated: March 14, 1969.

THOMAS LISI,
Secretary.

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

FEDERAL POWER COMMISSION

[Dockets Nos. G-7214 etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

Findings and Order

MARCH 11, 1969.

Standard Oil Company of Texas, a division of Chevron Oil Co. and other Applicants listed herein, Dockets Nos. G-7214 et al.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of surety bond, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Valor Production Co. (Operator) et al., Applicant in Docket No. CI64-1441, and Valor Production Co., Applicant in Docket No. CI64-1443, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Ray D. Sorrells (Operator) et al., FPC Gas Rate Schedule No. 1 and Chiles Drilling Co. (Operator) et al., FPC Gas Rate Schedule No. 1, respectively. Said rate schedules will be redesignated as those of Valor. The presently effective rates under said rate schedules are in effect subject to refund in Dockets Nos. RI66-375 and RI66-336, respectively. Valor has submitted agreements and undertakings in each of said dockets[1] to assure the refund of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Valor will be made co-respondent in the proceedings pending in Dockets Nos. RI 66-336 and RI66-375; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Petroleum Management, Inc. (Operator) et al., Applicant in Docket No. CI68-957, proposes to continue the sale of natural gas heretofore authorized in Docket No. G-11041 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 199.[2] Said rate schedule will be redesignated as that of Applicant. On August 1, 1967, Atlantic Richfield filed for an increase in rate from 15 to 16 cents per Mcf at 14.65 p.s.i.a. The filing was designated as Supplement No. 11 to the related rate schedule and the use thereof was deferred until February 1, 1968, and thereafter until made effective. On January 29, 1968, Applicant filed its certificate application and therein concurred in Atlantic Richfield's rate increase filing. The increased rate was made effective subject to refund in Docket No. RI68-91 on February 1, 1968. Therefore, Applicant will be permitted to collect the 15-cent rate for sales prior to February 1, 1968, and the 16-cent rate subject to refund in Docket No. RI68-91 for sales from February 1, 1968. Applicant will be made a co-respondent in Docket No. RI68-91, the proceeding will be redesignated accordingly, and Applicant will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by The Manufacturers Light and Heat Co. was filed in Docket No. CI69-435, in the matter of the application filed on November 4, 1968, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on February 27, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning

[1] Valor submitted an agreement and undertaking in Docket No. CI64-1443 rather than in Docket No. RI66-336. The instrument will be construed as having been filed in the latter docket.

[2] Docket No. CI68-957 will be canceled and the order issuing the certificate in Docket No. G-11041 will be amended by substituting Applicant as certificate holder.

of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas 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 authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by 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 therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI68–957 should be canceled and that the application filed therein should be processed as a petition to amend the order issuing a certificate of public convenience and necessity in Docket No. G–11041.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos. G–11041, G–13886, G–20130, CI60–362, CI61–1767, CI62–655, CI64–1130, CI64–1441, CI64–1443, CI65–587, CI65–606, CI65–842,[1] CI 65–1243, CI66–290, CI66–1036, CI66–1110, CI66–1136, CI66–1137, CI67–224, CI67–1626, and CI68–1148 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Valor Production Co. and Valor Production Co. (Operator) et al., should be made co-respondent in the proceedings pending in Dockets Nos. RI66–336 and RI66–375, respectively; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted in said proceedings should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petroleum Management, Inc. (Operator) et al., should be made co-respondent in the proceeding pending in Docket No. RI68–91; that said proceeding should be redesignated accordingly; and that Petroleum Management, Inc. (Operator) et al., should be required to file a surety bond in said proceeding.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation.

(E) 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 the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicant in Docket No. CI65–606 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A. Applicants in Dockets Nos. CI64–1130 and CI69–558 shall file rate schedule quality statements within 45 days from the date of this order.

(c) Sales authorized in Dockets Nos. G–20130, CI69–336, and CI69–504 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(d) Sales authorized in Dockets Nos. CI69–328 and CI69–593 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(e) Sales authorized in Dockets Nos. CI67–224 and CI69–575 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment.

(f) The sale authorized in Docket No. CI69–505 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a.

[1] Temporary certificate.

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 to a 1 to 7,300 ratio of takes to reserves during the first 2 years of the contract.

(g) The certificate issued in Docket No. CI69–588 is conditioned by limiting the buyer's take-or-pay obligation of gas well gas to a quantity based on a 1 to 7,300 reserve ratio of gas well gas reserves.

(h) The authorizations granted in Dockets Nos. CI67–224 and CI69–587 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(i) 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 therefrom the interests of Mobil Oil Corp.

(H) Docket No. CI68–957 is canceled.

(I) The orders issuing certificates in Dockets Nos. G–20130, CI65–606, CI65–842,[2] CI65–1243, CI66–1036, CI67–224, and CI68–1148 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–13886, CI62–655, and CI65–587 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–554, CI69–556, and CI69–558, respectively.

(K) The order issuing a certificate in Docket No. CI60–362 is amended to reflect the change in corporate name as indicated in the tabulation herein.

(L) The orders issuing certificates in Dockets Nos. G–11041, CI61–1767, CI64–1130, CI64–1441, CI64–1443, CI66–290, CI66–1110, CI66–1136, and CI66–1137 are amended by substituting the successors in interest as certificate holders.

(M) Permission for and approval of the abandonment of service by Applicants, 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, CI64–1200, CI65–88, CI66–704, CI66–1284, and CI67–558 are terminated.

(O) Valor Production Co. and Valor Production Co. (Operator) et al., are made co-respondents in the proceedings pending in Dockets Nos. RI66–336 and RI66–375, respectively; the proceedings are redesignated accordingly; [4] 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. RI66–336 and RI66–375 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. RI68–91 and the proceeding is redesignated accordingly.[5] 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 subject to refund 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 16 cents per Mcf at 14.65 p.s.i.a. shall be charged and collected for sales from February 1, 1968, subject to any future orders of the Commission in Docket No. RI68–91.

(R) Within 30 days from the issuance of this order Petroleum Management, Inc. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond for $1,800 in Docket No. RI68–91 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(S) Petroleum Management, Inc. (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 surety bond filed by it in Docket No. RI68–91 shall remain in full force and effect until discharged by the Commission.

(T) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–7214 [1]	Standard Oil Co. of Texas, a division of Chevron Oil Co.	Texas Eastern Transmission Corp., Adams Ranch Field, Jasper County, Tex.	Assignment 2–18–66 [3]	2	18
			Effective date: 3–7–66		
G–8063 [1]	Sun Oil Co. (DX Division) (successor to Sunray DX Oil Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Beaurline Field, Hidalgo County, Tex.	Assignment 2–1–66 [3]	72	9
			Assignment 2–24–66 [3]	72	10
			Effective date: 2–1–66 and 2–24–66.		
G–11041 (CI68–957) E 1–29–68 [4]	Petroleum Management, Inc. (Operator), et al. (successor to Atlantic Richfield Co. (Operator) et al.).	Florida Gas Transmission Co., East Aransas Pass Field, Aransas County, Tex.	Atlantic Richfield Co. (Operator) et al., FPC GRS No. 199.	4	
			Supplement Nos. 1–11	4	1–11
			Notice of succession (undated).		
			Assignment 9–18–67 [3]	4	12
			Assignment 11–28–67 [3]	4	13
			Effective date: 10–1–67		
G–20130 C 12–23–68 [7]	Gulf Oil Corp.[8]	Transcontinental Gas Pipe Line Corp., Dilworth Dome Field, McMullen County, Tex.	Agreement 10–23–68 [9]	178	7
CI60–362 12–5–68 [10]	Hewitt B. Fox, Inc. (Operator), et al. (formerly Miller & Fox Minerals Corp. (Operator), et al.).	Texas San Juan Oil Corp., Miller & Fox Field, Jim Wells County, Tex.	Miller & Fox Minerals (Operator) et al., FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Notice of succession 12–4–68.		
			Effective date: 3–9–67		
CI61–1767 E 11–14–68	Elton A. Bayer (successor to Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co.).	Equitable Gas Co., Court House District, Lewis County, W. Va.	Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co., FPC GRS No. 2.	8	
			Notice of succession 11–12–68.		
			Assignment 11–9–66 [11]	8	1
			Assignment 12–31–66 [11]	8	2
			Effective date: 1–5–67		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[2] Temporary certificate.

[4] Docket No. RI66–336, Chiles Drilling Co. (Operator) et al., and Valor Production Co.; Docket No. RI66–375, Ray D. Sorrells (Operator) et al., and Valor Production Co. (Operator) et al.

[5] Atlantic Richfield Co. (Operator) et al., and Petroleum Management, Inc. (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI64-1130..... E 11-21-68	Getty Oil Co. (Operator) et al. (successor to Atlantic Richfield Co.).	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	Atlantic Richfield Co., FPC GRS No. 287.	170	.....
			Supplement Nos. 1-3.....	170	1-3
			Notice of succession 11-15-68.	.....	.....
			Assignment 11-6-68 [32]...	170	4
			Assignment 11-6-68 [3 32]...	170	5
CI64-1441..... E 5-1-67	Valor Production Co. (Operator) et al. (successor to Ray D. Sorrells (Operator) et al.).	Almos Gas Gathering Co., Linke Field, Bee County, Tex.	Ray D. Sorrells (Operator) et al., FPC GRS No. 1.	3	.....
			Supplement No. 1.....	3	1
			Notice of succession (Undated).	.....	.....
			Assignment 4-4-67 [34].....	3	2
			Effective date: 3-1-67.	.....	.....
CI64-1443..... E 5-1-67	Valor Production Co. (successor to Chiles Drilling Co. (Operator) et al.).	.....do.....	Chiles Drilling Co. (Operator) et al., FPC GRS No. 1.	4	.....
			Supplement No. 1.....	4	1
			Notice of succession (Undated).	.....	.....
			Assignment 12-5-66 [32]...	4	2
			Effective date: 12-1-66.	.....	.....
CI65-606..... C 10-21-68	Humble Oil & Refining Co.[33]	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	Agreement 12-12-67 [3].....	372	9
CI65-642 [37]..... D 11-29-68	Humble Oil & Refining Co. (Operator) et al.	Trunkline Gas Co., South Jay Simmons Field, Starr County, Tex.	Amendment 11-6-68 [3 32]...	373	2
CI65-1243..... C 12-19-68 [7]	Sun Oil Co. (DX Division) (successor to Sunray DX Oil Co.).	El Paso Natural Gas Co., Gallegos Canyon Field, San Juan County, N. Mex.	Amendatory Agreement 10-4-68. [1 38]	255	3
CI66-290..... E 12-17-68	Atoka, Inc., et al.[35] (successor to Franks Petroleum (Operator) et al.	United Gas Pipe Line Co., South Downsville Field, Lincoln Parish, La.	Franks Petroleum (Operator), et al., FPC GRS No. 5.	2	.....
			Supplements Nos. 1-3...	2	1-3
			Notice of succession 12-10-68.	.....	.....
			Assignment 2-21-66 [32]...	2	4
			Assignment 7-2-68 [32]...	2	5
			Effective date: 5-1-68.	.....	.....
CI66-1036..... C 10-10-68 [7]	J. Gregory Merrion et al..	El Paso Natural Gas Co., Basin Dakota Field, Sandoval County, N. Mex.	Agreement 10-7-68 [3].....	5	4
CI66-1110..... E 11-15-68	Helen F. York et al., d.b.a. Wolfpen Oil & Gas Co. (successor to L. E. Farnsworth et al, d.b.a. Wolfpen Oil & Gas Co.).	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	L. E. Farnsworth et al., d.b.a. Wolfpen Oil & Gas Co., FPC GRS No. 1.	1	.....
			Notice of succession 11-1-68.	.....	.....
			Executor's certificate 12-11-67.[36]	1	1
			Effective date: 12-11-67.	.....	.....
CI66-1136..... E 11-15-68	Helen F. York, agent for Ritchland Gas Co. (successor to L. E. Farnsworth, agent for Ritchland Gas Co.).	Carnegie Natural Gas Co., Murphy District, Ritchie County, W. Va.	L. E. Farnsworth, agent for FPC GRS No. 2.	2	.....
			Notice of succession 11-1-68.	.....	.....
			Executor's certificate 12-11-67.[36]	2	1
			Effective date: 12-11-67.	.....	.....
CI66-1137..... E 11-15-68	Helen F. York, agent for Harvey L. Starr d.b.a. Burnt Star Gas Co. (successor to L. E. Farnsworth, agent for Harvey L. Starr, d.b.a. Burnt Star Gas Co).	.....do.....	L. E. Farnsworth, agent for Harvey L. Starr, d.b.a. Burnt Star Gas Co., FPC GRS No. 3.	3	.....
			Notice of succession 11-1-68.	.....	.....
			Executor's certificate 12-11-67.[36]	3	1
			Effective date: 12-11-67	.....	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-224..... C 10-23-68 [7]	Midwest Oil Corp.....	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 10-9-68.....	42	8
			Compliance 12-10-68 [39]...	42	9
CI68-1148..... C 10-16-68 [7]	Appalachian Exploration & Development, Inc.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Agreement 7-29-68 [1].....	2	5
CI68-1149..... C 11-12-68 [7]	.....do.....	United Fuel Gas Co., Union District, Kanawha County, W. Va.	Agreement 10-4-68 [1].....	2	6
CI69-328..... A 9-27-68 [7]	Sun Oil Co. (DX Division) (successor to Sunray DX Oil Co.).	Lone Star Gas Co., Rush Springs Area, Grady County, Okla.	Contract 1-25-68.....	293	.....
			Compliance 11-27-68 [39]...	293	1
CI69-338..... A 9-30-68 [7]	Myron A. Smith, et al....	Arkansas Louisiana Gas Co., South Pocola Field, Le Flore County, Okla.	Contract 5-21-68.....	2	.....
			Contract 10-15-63 [37].....	2	1
			Compliance 1-16-69 [39]...	2	2
CI69-360..... (CI66-1284) B 10-7-68	Texaco Inc.....	Kansas-Nebraska Natural Gas Co., Inc., Arrow Field, Washington County, Colo.	Notice of Cancellation 10-2-68.[13 39]	371	1
CI69-370..... (CI66-704) B 10-14-68	Quaker State Oil Refining Corp.	Equitable Gas Co., Cove and Southwest Districts, Doddridge County; Troy District, Gilmer County; and Union District, Ritchie County, W. Va.	Notice of Cancellation 10-9-68.[13 39]	15	1
CI69-371..... A 10-7-68 [7]	Robert L. Parker (Operator) et al.	Mobil Oil Corp., Northeast Custer City Field, Custer County, Okla.	Letter agreement 9-6-66.[31]	2	.....
			Amendment 4-15-67.....	2	1
			Letter agreement 7-13-67.[3]	2	2
CI69-398..... (CI69-529) B 10-21-68	Va Roy Hildreth et al., d.b.a. Stalnaker Lease.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Notice of cancellation 10-15-68.[13 39]	4	1
CI69-435..... A 11-4-68 [7]	Appalachian Exploration & Development, Inc.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Rocky Fork Field, Kanawha County, W. Va.	Contract 6-7-68 [31].....	6	.....
CI69-504..... A 11-21-68 [7]	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	Contract 11-5-68.....	459	.....
			Contract 2-1-67 [31].....	459	1
			Compliance 12-17-68 [39]...	459	2
CI69-505..... A 11-21-68 [7]	.....do.....	Natural Gas Pipeline Co. of America, East Laketon Field, Gray County, Tex.	Contract 11-1-68.....	458	.....
			Compliance 12-17-68 [39]...	458	1
CI69-527..... A 11-12-68 [7]	H. C. Meadows.....	Southern Natural Gas Co., Bear Creek Field, Bienville Parish, La.	Operating agreement 9-1-67.[38]	1	.....
			Operating agreement 9-1-67.[38a]	1	1
			Operating agreement 9-1-67.[38b]	1	2
CI69-553..... A 12-4-68	Phillips Petroleum Co....	The Manufacturers Light and Heat Co., Pennland Field, Allegany County, Md.	Contract 11-8-68 [3].....	456	.....
CI69-554..... (G-13886) F 11-29-68	Diamond Shamrock Corp. (successor to Horizon Oil & Gas Co. of Texas).	Northern Natural Gas Co., acreage in Hansford County, Tex.	Contract 8-2-57 [31].....	54	.....
			Assignment 7-11-58 [32]...	54	1
			Assignment 12-1-67 [32]...	54	2
			Certificate 12-19-67 [1 40]...	54	3
CI69-556..... (CI62-655) F 11-19-68	Elton A. Bayer, et al. (successor to Paul H. Ash et al., d.b.a. A. & C. Oil & Gas Co.).	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Contract 8-2-61 [41] (No. 5765).	7	.....
			Assignment 10-31-63.....	7	1
			Effective date: 4-1-67.	.....	.....
CI69-558..... (CI65-587) F 11-29-68	Tom Brown Drilling Co., Inc. (Operator), et al. (successor to Sinclair Oil Corp.).	Northern Natural Gas Co., Northeast Ozona Field, Crockett County, Tex.	Contract 11-6-64 [42].....	3	.....
			Assignment 7-26-65 [43]...	3	1
			Effective date: 7-26-68.	.....	.....
CI69-560..... (CI64-899) B 12-11-68	Quaker State Oil Refining Corp.	Consolidated Gas Supply Corp., Mannington District, Marion County, W. Va.	Notice of cancellation 12-10-68.[13 39]	5	1

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI69-570 (CI67-558) B 12-16-68	Margaret J. Wells, agent for Oliver Jenkins Drilling Co.	United Fuel Gas Co., acreage in Pike County, Ky.	Notice of cancellation 11-30-68.[10] [11]	6	1
CI69-571 (CI63-1213) B 12-16-68	Charles C. White (Operator) et al.	Texas Gas Transmission Corp., Hanson Field, Hopkins County, Ky.	Notice of cancellation (undated).[12] [13]	1	2
CI69-574 A 12-16-68 [14] (CI67-1626) [7]	Mobil Oil Corp.	Montana-Dakota Utilities Co., Big Horn Area, Big Horn County, Wyo.	Ratified 11-5-68 [15] Contract 5-7-67 [16]	447 447	1
CI69-575 A 12-18-68 [7]	Graham-Michaelis Drilling Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Cedardale Southwest Chester Field, Woodward County, Okla.	Contract 11-18-68 Compliance 1-20-69 [17]	88 88	1
CI69-577 A 11-15-68 [7] [18]	Helen F. York, agent for Ritchland Gas Co.	Carnegie Natural Gas Co., Murphy District, Ritchie County, W.Va.	Contract 9-26-58 (No. 1029B). [19] Executor's certificate 12-11-67 [7] [20]	5 5	1
CI69-578 A 11-15-68 [7] [21]	Helen F. York, agent for Ralph D. Gerber et al., d./b./a. Ritchland Gas Co.	do	Contract 2-24-38 (No. 1033).[22] Executor's certificate 12-11-67 [7] [23]	4 4	1
CI69-579 A 12-19-68 [7]	Walter E. Smith et al.	Cabot Corp., Sherman District, Calhoun County, W. Va.	Contract 11-29-68 [8]	27	
CI69-580 A 12-19-68 [7]	Francis Cain	do	Contract 11-24-68 [8]	35	
CI69-587 A 12-20-68 [7]	Midwest Oil Corp.	Panhandle Eastern Pipe Line Co., Rowley Unit, Woodward County, Okla.	Contract 9-12-68 [8] [24]	52	
CI69-588 A 12-23-68 [7]	Humble Oil & Refining Co.	South Texas Natural Gas Gathering Co., South Jay Simmons Field, Starr County, Tex.	Contract 12-1-68 [8] [25]	460	
CI69-589 (CI65-88) B 12-23-68	Cherokee Gas Corp. (Operator) et al.	Texas Gas Transmission Corp., Vandetta Field, Hopkins County, Ky.	Notice of cancellation (Undated).[12] [13]	2	1
CI69-590 (CI64-1200) B 12-23-68	Cherokee Gas Corp.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	Notice of cancellation (Undated).[12] [13]	1	1
CI69-593 A 12-23-68 [7]	Tenneco Oil Co.	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Major County, Okla.	Contract 12-9-68 [8] [26]	232	[27]
CI69-598 A 12-24-68 [7]	Star Gas Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Contract 11-27-68 [8] [28]	24	
CI69-599 A 12-26-68	Quaker State Oil Refining Corp. et al.	The Ohio Fuel Gas Co., Groundhog Field, Lebanon Township, Meigs County, Ohio.	Contract 12-12-68 [8]	28	
CI69-601 A 12-26-68 [7]	J. S. Turner	United Gas Pipe Line Co., East Sikes Field, Winn Parish, La.	Contract 12-2-68	1	
CI69-604 (CI63-975) B 12-24-68	Mobil Oil Corp.	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	Notice of cancellation 12-20-68.[29] [30]	329	4

[1] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[2] Transfers properties from Standard Oil Co. of Texas to John E. Huff who received certificate authorization in Docket No. CI66-1236 to cover the subject acreage.
[3] Transfers properties from Sunray DX Oil Co. to Champlin Petroleum Co. who received certificate authorization in Docket No. CI66-1029 to cover the subject acreage.
[4] Application originally filed and noticed in Docket No. CI68-957 as a partial succession, further review reveals that the succession is complete; therefore, the application is being treated as a petition to amend the order issuing a certificate in Docket No. G-11041 and Docket No. CI68-957 is being canceled.
[5] Transfers acreage from Atlantic Richfield Co. to Petroleum Management, Inc., to a depth of 9,303 feet.
[6] Transfers acreage from Forest Oil Corp. to Petroleum Management, Inc., to a depth of 9,303 feet.
[7] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[8] By letter filed Dec. 23, 1968, Applicant expressed willingness to accept authorization at the rate of 15 cents.
[9] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[10] Amendment to the certificate filed to reflect change in corporate name.
[11] Documents whereby Applicant acquired his interests in the subject property.
[12] Assignment of interest from Atlantic to Cal-Mon Oil Co.
[13] Assignment of a portion of Cal-Mon's interest to Getty. Cal-Mon is a party to this filing.
[14] Assigns acreage from Ray D. Sorrells to Valor Production Co.
[15] Assigns acreage from Chiles Drilling Co., M. Clay Chiles and John L. Sullivan to Valor Production Co.
[16] Applicant has agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[17] Temporary certificate issued Apr. 30, 1965.
[18] Humble proposes sales from this acreage to South Texas Natural Gas Gathering Co. in Docket No. CI69-588. Deletes approximately 300 acres. Applicant states that since the reserves are low volume, it is not economical for them to lay the gathering line necessary to make delivery to the buyer (estimated reserves are 827 MMcf and cost to connect is $56,000 or 6.77 cents per Mcf of reserves).
[19] Effective date: Date of this order.
[20] Contains take-or-pay clause for 50 percent of deliverability. Data furnished by buyer shows this does not exceed take to reserves ratio of 1 to 7,300.
[21] Union Producing Co. has become the operator of the Barmore Unit; therefore, Applicant is continuing the sale in the capacity of nonoperator.
[22] From Franks Petroleum to John Franks et al.
[23] Assignment from John Franks et al., to Atoka, Inc.
[24] Document covering appointment of Helen F. York, as Executrix of the Estate of L. E. Farnsworth, deceased.
[25] Complies with temporary certificate issued Nov. 27, 1968; Applicant states willingness to accept permanent authorization conditioned to an initial rate of 17 cents including tax reimbursement, subject to B.t.u. adjustment and subject to the proceedings in Docket No. R-338.
[26] Complies with temporary certificate issued Nov. 1 1968; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents, including tax reimbursement, plus B.t.u. adjustment.
[27] Currently on file as Jake L. Hamon FPC GRS No. 39.
[28] Complies with temporary certificate issued Jan. 10, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents including tax reimbursement.
[29] Source of gas depleted.
[30] Production of gas no longer economically feasible.
[31] Covers acreage acquired from Mobil, from which Mobil retained the right to purchase the subject gas for redelivery to Natural Gas Pipeline Co. of America under Mobil's authorization in Docket No. CI68-156.
[32] Covers gas in excess of Applicant's commitment to others.
[33] Currently on file as Humble Oil & Refining Co. FPC GRS No. 420.
[34] Complies with temporary certificate issued Dec. 13, 1968; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents including tax reimbursement.
[35] Accepts conditioned temporary certificate issued; also advises of willingness to accept a permanent certificate conditioned to an initial rate of 17 cents subject to B.t.u. adjustment and 1/7,300 ratio of takes to reserves during the first 2 years.
[36] Pertains to the Hodge-Hunt Unit D-1.
[36a] Pertains to the Continental Can Co. Unit No. 1.
[36b] Pertains to the T. A. Loe et al., Unit No. 1.
[37] Between Phillips Petroleum Co. and Northern Natural Gas Co.; also on file as Horizon Oil & Gas Co. of Texas FPC GRS No. 10.
[38] From Phillips Petroleum Co. to Horizon Oil & Gas Co.
[39] From Horizon Oil & Gas Co. to the Shamrock Oil & Gas Corp.
[40] Certificate of merger of the Shamrock Oil & Gas Corp. into Diamond Shamrock Corp.
[41] On file as Paul H. Ash et al., d.b.a. A. & C. Oil & Gas Co. FPC GRS No. 8.
[42] Also on file as Sinclair Oil Corp. FPC GRS No. 334.
[43] Farmout and assignment of acreage down to depth of 8,100 feet from Sinclair to Tom Brown Drilling Co., Inc.
[44] Well no longer produces gas in marketable quantities.
[45] Applicant is filing for certificate to cover its own interest, which was previously covered by operator's (Newman Bros. Drilling Co. (Operator) et al.) certificate in Docket No. CI67-1036.
[46] Ratification of operator's contract.
[47] Complies with temporary certificate issued Jan. 17, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 17 cents plus B.t.u. adjustment.
[48] Sale being rendered without prior Commission authorization.
[49] Between Carnegie Natural Gas Co., buyer and L. E. Farnsworth, seller.
[50] Contract provides for transportation of liquefiable hydrocarbons. Applicant has advised there will be no processing for liquids in the near future and has indicated willingness to accept a permanent certificate conditioned to the outcome of the proceeding in Docket No. R-338.
[51] Acreage is presently dedicated to a contract dated Jan. 29, 1965, between Humble and Trunkline, designated as Humble's FPC GRS No. 373. Humble has filed in Docket No. CI65-842 to delete the subject acreage since it is uneconomical for Humble to lay the gathering line necessary to make the delivery to Trunkline (dedicates acreage to a depth of 5,710 feet). By letter filed Jan. 10, 1969, Humble indicated its willingness to accept a permanent certificate limiting buyer's take-or-pay obligation of gas well gas to a quantity based on a 1 to 7,300 reserve ratio of gas well gas reserves.
[52] Contract provides for an initial rate of 19.5 cents per Mcf; however, Applicant has expressed willingness to accept a permanent certificate at the area ceiling rate of 15 cents per Mcf.
[53] Gas produced from the Newburg Sand only.

Suggested Surety Bond Form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called

the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

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

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, therefore, if (Name of respondent), its corporate surety, (and their heirs, executors, administrators [1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No.------, (Name of respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------.

Attest:

By----------
Principal

By----------
Surety

[1] To be included if a noncorporate respondent.

[F.R. Doc. 69-3195; Filed, Mar. 18, 1969; 8:45 a.m.]

[Docket No. RI69-613]

LESH CO.

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 hereof.

The proposed changed rate and charge 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 a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its 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 supplement to the rate schedule filed by Respondent 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 Respondent shall 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 a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding 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.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-613..	Lesh Co.[10] c/o Lynch, Chappell, Allday & Hamilton, 201 Wall Towers East, Midland, Tex. 79701, Attention: Raymond A. Lynch, Esq.	2	13	Natural Gas Pipeline Co. of America (Amargosa Field, Jim Wells County, Tex.) (R.R. District No. 4).	$10,950	2-10-69	[2] 3-13-69	[3] 3-14-69	[4] [7] 14.5	[6] [7] [8] 15.5	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Includes reimbursement by buyer for gathering, treating, dehydrating, and compression service proposed by Seller.
[8] Contractually due periodic increase to 16.5 cents since July 1, 1968. Proposed 15.5 cents periodic herein was due for the 5-year period which commenced July 1, 1963.
[9] A 15.5 cents rate filed for by predecessor was suspended in Docket No. RI65-425 and never collected subject to refund. Lesh requested last clean rate and a certificate was issued at 14.5 cents per Mcf.
[10] Formerly Barron Kidd and C. R. Smith.

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 30-day notice requirement provided 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 Gas Rate Schedule No. 1). Lesh in its succession 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 cents 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 previously been suspended for 5 months, we conclude that Lesh's instant rate filing should be suspended for only 1 day from March 13, 1969, the expiration date of the statutory notice.

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

[Docket No. RI69-614 etc.]

SUPERIOR OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 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 hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 1, 1969.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-614..	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001, Attention: H. W. Varner, Esq.	[1] 100	4	Valley Gas Transmission, Inc. (Orcones Field, Duval County, Tex.) (R.R. District No. 4).	$2,920	2-17-69	[4] 3-20-69	[5] 3-21-69	[6] 15.0	[7] [8] 16.0	RI64-535.
RI69-615..	Salmon Corp., 823 South Detroit Ave., Suite 230, Tulsa, Okla. 74120, Attention: Mr. George P. Alden.	[3] 3	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Randon Field, Fort Bend County, Tex.) (R.R. District No. 3).	2,737	2-20-69	[4] 3-23-69	[5] 3-24-69	[9] 14.6	[7] [8] 15.6	

[1] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1, and the proposed rate does not exceed the area initial service ceiling.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Initial service rate.

The Superior Oil Co. (Superior) requests that its proposed rate increase be permitted to become effective as of March 1, 1969, or, if suspended, as soon thereafter as allowed by the Commission. Salmon Corp. (Salmon) requests an effective date of March 15, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Superior and Salmon's rate filings and such requests are denied.

The contracts related to the rate filings proposed by Superior and Salmon were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Superior and Salmon's proposed rate filings should be suspended for 1 day from March 20, 1969 (Superior), and March 23, 1969 (Salmon), the expiration dates of the statutory notice.

[F.R. Doc. 69-3242; Filed, Mar. 18, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIDELITY BANK

Order Approving Merger of Banks

In the matter of the application of The 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.,

a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Trefoil 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.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-3243; 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 8, 1969, the agency bracket should read as set forth above.

INTERSTATE COMMERCE COMMISSION

FOURTH 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 (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41577—*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 carloads, 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 (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41585—*Concrete reinforcing bars to Tampa, Fla.* Filed by O. W. South, Jr., agent (No. A6085), for interested rail carriers. Rates on concrete reinforcing bars, in carloads, minimum weight 140,000 pounds, from Alton and Federal, Ill., to Tampa, Fla.

Grounds for relief—Rate relationship.

Tariff—Supplement 165 to Southern Freight Association, agent, tariff ICC S-502.

FSA No. 41586—*Wheat or grain sorghums to gulf ports in Louisiana.* Filed by The Atchison, Topeka and Santa Fe Railway Co. (No. 101-A), for itself and interested rail carriers. Rates on wheat or grain sorghums, in bulk, in carloads, from points in Kansas, to gulf ports, viz.: Ama, Baton Rouge, Lake Charles, Myrtle Grove, New Orleans, and Port Allen, La.

Grounds for relief—Motortruck and truck-barge competition.

Tariff—Supplement 49 to The Atchison, Topeka and Santa Fe Railway Co. tariff ICC 15044.

By the Commission.

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

[F.R. Doc. 69-3271; Filed, Mar. 18, 1969; 8:47 a.m.]

[Notice 542]

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 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation No. 27), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed January 27, 1969. Carrier's representative: Larry D. Knox, same address as applicant: Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Jacksonville, Fla., over Interstate Highway 95, 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 Jacksonville, Fla., over U.S. Highway 1 to Baxley, Ga., thence over U.S. Highway 341 to Perry, Ga., thence over U.S. Highway 41 to Atlanta, Ga., thence over U.S. Highway 29 to Greensboro, N.C., thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to junction U.S. Highway 1, thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

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 Pennsylvania Highway 65 to New Castle, Pa., thence over Pennsylvania Highway 18 to Sharon, Pa., thence over Ohio Highway 82 to Warren, Ohio (also from Pittsburgh over U.S. Highway 19 to Portersville, Pa., thence over U.S. Highway 422 to Warren, Ohio), thence over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7

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

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer and Sherrill.

to Conneaut, Ohio, thence over U.S. Highway 20 to Erie, Pa., and return over the same route.

No. MC 69275 (Deviation No. 11), M & M TRANSPORTATION COMPANY, 186 Alewife Brook Parkway, Cambridge, Mass. 02138, filed March 3, 1969. Carrier's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 (Massachusetts Turnpike) to the New York-Massachusetts State line, thence over the Berkshire section of the New York Thruway to junction Interstate Highway 87 (New York Thruway), thence over Interstate Highway 87 to junction Interstate Highway 90 thence over Interstate Highway 90 to Buffalo, N.Y., and also to enter, leave, and reenter at all ramps, 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 Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 20 via East Lee, Mass., to Lee, Mass., thence over unnumbered highway to junction U.S. Highway 7, thence over U.S. Highway 7 to Great Barrington, Mass., thence over Massachusetts Highway 23 to the Massachusetts-New York State line, thence over New York Highway 23 to Hudson, N.Y.; (2) from Albany, N.Y., over New York Highway 9 to Yonkers, N.Y.; and (3) from Albany, N.Y., over New York Highway 5 to Buffalo, N.Y., and return over the same routes.

No. MC 75295 (Deviation No. 6), EAST COAST FREIGHT LINES, 3005 West Marshall Street, Richmond, Va. 23230, filed March 4, 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 New Castle, Del., over access road to junction Interstate Highway 95, thence over Interstate Highway 95 to Eddystone, Pa., 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 Richmond, Va., over U.S. Highway 1 to New York, N.Y., (2) from Richmond, Va., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., and (3) from Richmond, Va., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction unnumbered highway (formerly portion U.S. Highway 40), thence over unnumbered highway to New Castle, Del., thence return over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same routes.

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 (an access road) to junction Interstate Highway 40, thence 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 a pertinent service route as follows: From Pine Bluff, Ark., over U.S. Highway 79 to Stuttgart, Ark., thence over Arkansas Highway 11 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

No. MC 111231 (Deviation No. 30), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764, filed March 7, 1969. Carrier's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Kansas City, Mo., over Interstate Highway 35 to Dallas, Tex. (traversing U.S. Highway 50 between Ottawa and Emporia, Kans., and U.S. Highway 77 between Purcell and Overbrook, Okla., pending completion of Interstate Highway 35); (2) from Kansas City, Mo., over Interstate Highway 35 to Wichita, Kans. (traversing U.S. Highway 50 between Ottawa and Emporia, Kans., pending completion of Interstate Highway 35); (3) from Oklahoma City, Okla., over Interstate Highway 35 to Wichita, Kans.; (4) from Dallas, Tex., over Interstate Highway 35 to Oklahoma City, Okla. (traversing U.S. Highway 77 between Overbrook and Purcell, Okla., pending completion of Interstate Highway 35); (5) from Chicago, Ill., over Interstate Highway 57 to junction Interstate Highway 55, near Sikeston, Mo., thence over Interstate Highway 55 to Memphis, Tenn. (traversing U.S. Highway 45 and Illinois Highway 37, pending completion of Interstate Highway 57, and U.S. Highways 51 and 61 pending completion of Interstate Highway 55); (6) from Chicago, Ill., over Interstate Highway 55 to Memphis, Tenn. (traversing U.S. Highway 66 in Illinois, U.S. Highway 61 between Festus and Fruitland, Mo., and U.S. Highway 61 between New Madrid and the Missouri-Arkansas State line pending completion of Interstate Highway 55);

(7) From St. Louis, Mo., over Interstate Highway 55 to Memphis, Tenn. (traversing U.S. Highway 61 between Festus and Fruitland, Mo., and U.S. Highway 61 between New Madrid, Mo., and the Missouri-Arkansas State line pending completion of Interstate Highway 55); (8) from Memphis, Tenn., over Interstate Highway 55 to Winona, Miss. (traversing U.S. Highway 51 between Granada and Winona, Miss., pending completion of Interstate Highway 55); (9) from Kansas City, Mo., over Interstate Highway 70 to St. Louis, Mo.; (10) from Dallas, Tex., over Interstate Highway 30 to Little Rock, Ark. (traversing U.S. Highways 67, 259, and 82 between Mount Pleasant and New Boston, Tex., and U.S. Highway 67 between Fulton and Malvern, Ark., pending completion of Interstate Highway 30); (11) from Oklahoma City, Okla., over Interstate Highway 40 to Henrietta, Okla.; (12) from Henrietta, Okla., over Interstate Highway 40 to Fort Smith, Ark. (traversing U.S. Highways 69, 266, and 64 between Checotah and Sallisaw, Okla., pending completion of Interstate Highway 40), (13) from Fort Smith, Ark., over Interstate Highway 40 to Ozark, Ark. (traversing U.S. Highway 64 between Alma and Ozark, Ark., pending completion of Interstate Highway 40); (14) from Ozark, Ark., over Interstate Highway 40 to Clarksville, Ark. (traversing U.S. Highway 64 between Ozark and Clarksville, Ark., pending completion of Interstate Highway 40); (15) from Clarksville, Ark., over Interstate Highway 40 to Russellville, Ark.; (16) from Russellville, Ark., over Interstate Highway 40 to Conway, Ark. (traversing U.S. Highway 64 between Atkins and and Conway, Ark., pending completion Interstate Highway 40);

(17) From Conway, Ark., over Interstate Highway 40 to Little Rock, Ark.; and (18) from Little Rock, Ark., over Interstate Highway 40 to Memphis, Tenn. (traversing U.S. Highway 70 between Hazen and Brinkley, Ark., and between Madison and West Memphis, Ark., pending completion of Interstate Highway 40), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 via Denison, Tex., to Sherman, Tex., thence over U.S. Highway 82 to Bells, Tex., thence over U.S. Highway 69 to Whitewright, Tex., thence over Texas Highway 160 to Farmersville, Tex., thence over Texas Highway 78 to Garland, Tex., thence over U.S. Highway 67 to Dallas, Tex.; (2) from Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 69 to junction U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, Okla., thence over Oklahoma Highway 11 to Pawhuska, Okla., thence over U.S. Highway 60 to Ponca City, Okla., thence over U.S. Highway 77 to Augusta, Kans., thence over U.S. Highway 54 to Wichita, Kans.; (3) from Oklahoma City, Okla., over U.S. Highway 66 to Tulsa, Okla., thence over the route described in (2) above to Wichita, Kans.; (4) from Dallas, Tex., over U.S. Highway 67 to Garland, Tex., thence over Texas Highway 78 to Farmersville, Tex., thence over Texas Highway 160 to Whitewright, Tex., thence over U.S. Highway 69 to Venita, Okla., thence

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

(5) From Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction unnumbered highway near Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 via Dwight, Ill., to junction unnumbered highway, thence over unnumbered highway near Dwight, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Odell, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Pontiac, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Chenoa, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Lexington, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 via Bloomington, Ill., to junction unnumbered highway near McLean, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Atlanta, Ill., thence over unnumbered highway via Lincoln, Springfield, and Litchfield, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Mount Olive, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 via Livingston and Hamel, Ill., to junction Bypass U.S. Highway 66, thence over Bypass U.S. Highway 66, thence over Bypass U.S. Highway 66 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo., thence over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to Holcomb, Mo., thence over Missouri Highway 25 to junction Missouri Highway 84, thence over Missouri Highway 84 to junction County Highway NN, thence over County Highway NN to junction Missouri Highway 164, thence over Missouri Highway 164 to Steele, Mo., thence over U.S. Highway 61 to Memphis, Tenn. (also from Chicago, Ill., over Alternate U.S. Highway 30 to junction Illinois Highway 25, thence over Illinois Highway 25 to Aurora, Ill., thence over U.S. Highway 30 to Joliet, Ill., thence over Alternate U.S. Highway 66 to junction unnumbered highway near Gardner, Ill.);

(6) From Chicago, Ill., over U.S. Highway 20 to Gary, Ind., thence over U.S. Highway 6 to junction U.S. Highway 54, thence over U.S. Highway 54 to Kankakee, Ill. (also from Chicago over U.S. Highway 45 to Kankakee), thence over Illinois Highway 115 to junction U.S. Highway 45–54 at Onarga, Ill., thence over U.S. Highway 54 to junction Illinois Highway 48 near Decatur, Ill., thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo., thence over U.S. Highway 61 to Jackson, Mo., thence over the route described in (5) above to Memphis, Tenn., (7) from Chicago, Ill., over U.S. Highway 45 to Kankakee, Ill., thence over Illinois Highway 115 to junction U.S. Highway 45–54 at Onarga, Ill., thence over U.S. Highway 54 to junction Illinois Highway 48, thence over Illinois Highway 48 to Decatur, Ill., thence over U.S. Highway 51 to junction unnumbered highway, thence over unnumbered highway to Vera, Ill., thence over unnumbered highway to junction U.S. Highway 51, thence over U.S. Highway 51 to Vandalia, Ill., thence over Alternate U.S. Highway 49 via Hagarstown and Mulberry Grove, Ill., to junction Illinois Highway 140, thence over Illinois Highway 140 to Hamel, Ill., thence over Bypass U.S. Highway 66 to Edwardsville, Ill., thence over Illinois Highway 159 to Collinsville, Ill., thence over U.S. Highway 40 to St. Louis, Mo., thence over U.S. Highway 61 to Jackson, Mo., thence over the route described in (5) above to Memphis, Tenn.; (8) from Chicago, Ill., over the route described in (7) above to Hamel, Ill., thence over Illinois Highway 140 to Alton, Ill., thence across the Mississippi River over U.S. Highway 67 to St. Louis, Mo. (also from Alton, Ill., over Alternate U.S. Highway 67 to St. Louis, Mo.), thence over U.S. Highway 61 to Jackson, Mo., thence over the route described in (5) above to Memphis, Tenn.;

(9) From Memphis, Tenn., over U.S. Highway 51 to Winona, Miss; (10) from Kansas City, Mo., over U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 66 to St. Louis, Mo.; (11) from Dallas, Tex., over U.S. Highway 67 to Garland, Tex., thence over Texas Highway 78 to Farmersville, Tex., thence over Texas Highway 160 to Whitewright, Tex., thence over U.S. Highway 69 to junction U.S. Highway 266, thence over U.S. Highway 266 to Warner, Okla., thence over U.S. Highway 64 to Fort Smith, Ark., thence over U.S. Highway 71 to Alma, Ark., thence over U.S. Highway 64 to Conway, Ark., thence over U.S. Highway 65 to Little Rock, Ark.; (12) from Oklahoma City, Okla., over U.S. Highway 62 to Henrietta, Okla.; (13) from Henrietta, Okla., over U.S. Highway 62 to Muskogee, Okla., thence over U.S. Highway 64 to Fort Smith, Ark.; (14) from Fort Smith, Ark., over U.S. Highway 71 to Alma, Ark., thence over U.S. Highway 64 to Ozark, Ark.; (15) from Ozark, Ark., over U.S. Highway 64 to Clarksville, Ark.; (16) from Clarksville, Ark., over U.S. Highway 64 to Russellville, Ark.; (17) from Russellville, Ark., over U.S. Highway 64 to Conway, Ark.; (18) from Conway, Ark., over U.S. Highway 65 to Little Rock, Ark.; and (19) from Little Rock, Ark., over U.S. Highway 70 to Memphis, Tenn., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 512), 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 unnumbered highway to Ardmore, Pa., thence over U.S. Highway 30 to Paoli, Pa., and return over the same route.

No. MC 1515 (Deviation No. 513) (Cancels Deviation No. 358), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed March 7, 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 Montgomery, Ala., over Interstate Highway 65 to Mobile, Ala., with the following access routes: (a) From junction Interstate Highway 65 and Alabama Highway 10 over Alabama Highway 10 to Greenville, Ala., (b) from junction Interstate Highway 65 and Alabama Highway 83 over Alabama Highway 83 to Evergreen, Ala., (c) from junction Interstate Highway 65 and U.S. Highway 84 over U.S. Highway 84 to Evergreen, Ala., (d) from junction Interstate Highway 65 and Alabama Highway 21 over Alabama Highway 21 to Atmore, Ala., (e) from junction Interstate Highway 65 and County Road 47, near Bay Minette, Ala., over County Highway 47 to junction Alabama Highway 59, and (f) from junction Interstate Highway 65 and Alabama Highway 59 over Alabama Highway 59 to Bay Minette, Ala., and (2) from Mobile, Ala., over Interstate Highway 10 to the Alabama-Mississippi State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Montgomery, Ala., over U.S. Highway 31 via Flomaton, Ala., to Mobile, Ala., thence over U.S. Highway 90 to New Orleans, La., and return over the same route.

No. MC 2890 (Deviation No. 79), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, 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 a deviation route as follows: From Long Beach, Calif., over California Highway 22 to junction Interstate Highway 405, thence over Interstate Highway 405 to junction Laguna Canyon Road, thence over Laguna Canyon Road to Laguna Beach, Calif., 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 San

Diego, Calif., over U.S. Highway 101 to Los Angeles, Calif. (also from junction U.S. Highway 101 and Alternate U.S. Highway 101, over Alternate U.S. Highway 101 to Los Angeles), and return over the same route.

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 Interstate Highway 80–94 to junction 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 Valpariso, Ind., and (3) from junction U.S. Highway 41 and Interstate Highway 80–94 in Hammond, Ind., over Interstate Highway 80–94 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Indiana Highway 16, thence over Indiana Highway 16 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction U.S. Highway 52 at Montmorenci, Ind., thence over U.S. Highway 52 to Lafayette, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Hammond, Ind., over U.S. Highway 20 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 30, thence over U.S. Highway 30 to junction U.S. Highway 421, thence over U.S. Highway 421 to junction Indiana Highway 43, thence over Indiana Highway 43 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lafayette, Ind., and return over the same route.

No. MC 107109 (Deviation No. 12), 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 4 miles north of Corbin, Ky., over access road to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 25W approximately 2 miles south of Corbin, Ky., and (2) from junction U.S. Highway 25W and Interstate Highway 75 approximately 1 mile south of Jellico, Tenn., over Interstate Highway 75 to junction U.S. Highway 25W at Lake City, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over 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 to junction 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; 8:47 a.m.]

[Notice 1277]

MOTOR CARRIER 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, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 41116 (Sub-No. 33) (Republication), filed January 22, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: FOGLEMAN TRUCK LINES, INC., Post Office Drawer 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. In the above-entitled proceeding, the examiner recommended the granting to applicant a permit authorizing operation in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes of canned or bottled foodstuffs, and dried fruits and nuts, in canned or bottled foodstuffs, and dried fruits and nuts, in packages or containers (not frozen or requiring movement in vehicles equipped with mechanical refrigeration), from New Orleans, La.; Blytheville and Siloam Springs, Ark.; Uniontown and Cullman, Ala.; Lewiston, Idaho; Forest Grove, Oreg.; Memphis, Tenn.; Tyler and Donna, Tex.; and Gulfport, Miss., to points in Alabama, Arkansas, Louisiana, Tennessee, Texas, Mississippi, Georgia, Florida, South Carolina, Kentucky, and Missouri, limited to a transportation service to be performed under a continuing contract or contracts with Fraering Brokerage Co., Inc., of New Orleans. A decision and order of the Commission, Review Board Number 2, dated February 28, 1969, and served March 6, 1969, as amended, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *dried fruits and nuts*, in containers, and (2) of *foodstuffs*, in cans and bottles (except salt and salt products), from New Orleans, La., Blytheville and Siloam Springs, Ark., Uniontown and Cullman, Ala., Lewiston, Idaho, Forest Grove, Oreg., Memphis, Tenn., Tyler and Donna, Tex., and Gulfport, Miss., to points in Alabama, Arkansas, Louisiana, Tennessee, Texas, Mississippi, Georgia, Florida, South Carolina, Kentucky, and Missouri, limited to a transportation service to be performed under a continuing contract or contracts with Fraering Brokerage Co., Inc., of New Orleans, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform with the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority granted will be published in the FEDERAL REGISTER and issuance of a permit 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 85255 (Sub-No. 31) (Republication), filed August 5, 1968, published FEDERAL REGISTER issue August 22, 1968, and republished this issue. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. MacIver, 2112 Washington Building, Seattle, Wash. 98111. By application filed August 5, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of palletized metal and combination metal and fiberboard cans and can parts, (1) between Portland, Oreg., and points in Washington in and west of Okanogan, Cheslan, Kittitas, Yakima, and Klickitat Counties, and (2) from Seattle, Wash., to Astoria, Oreg. An order of the Commission, Operating Rights Board, dated February 27, 1969, and served March 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *metal cans, combination metal and fiberboard cans, and can parts;* (1) from the plantsites and storage facilities of the Continental Can Co., Inc., at Portland, Oreg., to those points in that part of Washington in and west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, (2) from the plantsites and storage facilities of the Continental Can

Co., Inc., at Olympia, Lacey, and Seattle, Wash., to Portland, Oreg., (3) from the plantsites and storage facilities of the American Can Co., at Seattle, Wash., to Portland, Oreg., and (4) from Portland, Oreg., to the plantsites and storage facilities of the American Can Co., at Seattle, Wash.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124230 (Sub-No. 10) (Republication), filed July 12, 1968, published FEDERAL REGISTER issue of July 25, 1968, and republished this issue. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. By application filed July 12, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) ores and concentrates (a) between points in Mineral, Hinsdale, and Rio Grande Counties, Colo.; El Paso and Amarillo, Tex.; Midvale and Tooele, Utah; (b) from San Juan County, Utah, to Douglas and Miami, Ariz.; (2) scrap metal, from Albuquerque, N. Mex., and Phoenix, Ariz., to San Juan County, Utah, and (3) aggregate, sand and gravel, between points in San Juan County, Utah, and San Juan County, N. Mex.; Montezuma, Archuleta, and La Plata Counties, Colo. A report of the Commission, Review Board No. 1, dated February 19, 1969, and served February 26, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *ores and concentrates* (a) from points in Mineral County, Colo., to El Paso and Amarillo, Tex., and Midvale, Utah, and (b) from points in San Juan County, Utah, to Douglas and Miami, Ariz.; (2) *scrap metal*, from Albuquerque, N. Mex., and Phoenix, Ariz., to points in San Juan County, Utah; and (3) *aggregate, sand, and gravel*, between points in San Juan County, Utah, San Juan County, N. Mex., Montezuma, Archuleta, and La Plata Counties, Colo., and Apache County, Ariz.; 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.

No. MC 129007 (Republication), filed April 10, 1967, published FEDERAL REGISTER issue of April 27, 1967, and republished this issue. Applicant: ALLSTATE VAN AND STORAGE, INC., 3662 Costa Bella Drive, Lemon Grove, Calif. 92115. Applicant's representative: C. Douglas Alford, 2100 Electronics Capital Building, 110 West C Street, San Diego, Calif. 92101. By application filed April 10, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Used household goods* between points in San Diego County, Calif., restricted to local pickup, delivery, and transfer service, moving on through bills of lading of an exempt freight forwarder. A report of the Commission Review Board No. 2, decided February 28, 1969, and served March 5, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting, Used household goods, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic 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 parties, who have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133122 (Sub-No. 2) (Republication), filed October 4, 1968, published in the FEDERAL REGISTER issued of October 24, 1968, and republished this issue. Applicant: DAVE KUHLMAN, 1719 Second Avenue, Scottsbluff, Nebr. 69361. By application filed October 4, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities from and to the points, and in the manner indicated below in seasonal operations during the months of September, October, March, April, and May of each year. An order of the Commission, Operating Rights Board, dated February 27, 1969, and served March 11, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *zinc sulfate and manganese sulfate*, in bags, from Coffeyville, Kans., to points in Colorado, Nebraska, and Wyoming, under a continuing contract with Pure Gas & Chemical Co., of Denver, Colo., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit 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, 1969. Petitioner: SALEM TRANSPORTATION CO., INC., 1222 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 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 New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N.J.; between Atlantic City, N.J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D.C.; between Fort Dix, McGuire Air Force Base, Wrightstown, N.J., and points in the townships of New Hanover,

North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., and LaGuardia Airport, John F. Kennedy International Airport, Fort Hamilton, and Manhattan Beach Air Force Base, New York, N.Y.; between Atlantic City, N.J., on the one hand, and, on the other, points in Westchester County, N.Y.; passengers and their baggage, in special operations in nonscheduled door-to-door service, limited to the transportation of not more than 8 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a separate seat or seats, between Philadelphia, Pa., and the John F. Kennedy International Airport, at New York, N.Y.

In Sub 24: Passengers and their baggage and effects, in the same vehicle with passengers, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than 8 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., and points in the Philadelphia, Pa., commercial zone, as defined by the Commission, except points within the limits of the city of Philadelphia, Pa., on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y. In Sub 26: 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 Ventnor, Margate, Longport Borough, Absecon, Pleasantville, Northfield, Linwood, and Somers Point, N.H., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. In Sub 27: Passengers and their baggage and effects, 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 points in Montgomery, Chester, and Delaware Counties, Pa., on the one hand, and, on the other, John F. Kennedy International Airport at New York, N.Y.

Restriction: The operations authorized herein are subject to the right of the Commission, which is hereby expressly reserved, to impose after final determination of the proceeding in Ex Parte No. MC-29 Sub-No. 1, *Passenger Transportation in Special Operations*, such terms and conditions, if any, as may be deemed necessary to insure that the operations performed by carrier are limited to bona fide special operations. In Sub 29: 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, points in the New York, N.Y., commercial zone as defined by the Commission.

Restriction: The authority granted herein is restricted to the transportation of persons having an immediately prior or immediately subsequent movement by water. In Sub 31: 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 points in the Baltimore, Md., commercial zone as defined by the Commission, except points within the limits of the city of Baltimore, Md., on the one hand, and, on the other, Atlantic, City, N.J. In Sub 34: 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 Lakehurst, N.J., and the Lakehurst U.S. Naval Air Station near Lakehurst, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. Restriction: The operations authorized herein are subject to the right of the Commission, which is hereby expressly reserved, to impose after final determination of the proceeding in Ex Parte No. MC 29 Sub 1, Passenger Transportation in Special Operations, such terms and conditions, if any, as may be deemed necessary to insure that the operations performed by carrier are limited to bona fide special operations. In Sub 42: of passengers and their baggage, in the same vehicle with passengers, in special operations, 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., and points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y. By the instant petition, petitioner seeks to amend its certificates referred to above, to include charter operations. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114115 (Sub-No. 12) (Notice of Filing of Petition To Modify Permit), filed February 27, 1969. Petitioner: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Petitioner's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Petitioner states it holds authority in No. MC 114115 Sub 12 to transport, as a motor contract carrier: *Rock salt*, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the following: (1) Traffic moving between points in Pennsylvania; (2) traffic moving between points within 40 miles of Monroe, Mich.; (3) traffic moving from Lucas County, Ohio, to points in Michigan and Indiana, and (4) traffic moving between points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Pennsylvania. Said operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Diamond Crystal Salt Co. and International Salt Co. By the instant petition, petitioner seeks to add Morton Salt Co., Division of Morton International, as a contract shipper thereto. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 128), filed January 27, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers; (a) between Uhrichsville and Cadiz, Ohio, from junction U.S. Highways 250 and 36 at Uhrichsville over U.S. Highway 250 to junction U.S. Highways 250 and 22 at Cadiz, serving all intermediate points; and (b) between junction Ohio Highway 43 and U.S. Highway 22, and Steubenville, Ohio, from junction Ohio Highway 43 and U.S. Highway 22 at or near Wintersville, Ohio, over U.S. Highway 22, serving all intermediate points. NOTE: This application is directly related to MC-F-10381, published FEDERAL REGISTER issue of February 5, 1969. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio, or Washington, D.C.

No. MC 111545 (Sub-No. 115), filed January 22, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield and pipeline commodities* as defined by the Commission in *Mercer Extension Oilfield Commodities*, 74 M.C.C. 459; *pipe; trenching machines; tractors; drag lines; back fillers; caterpillars; road building machinery; ditching machinery; bulldozers; cranes; heavy machinery; graders; construction equipment; scrapers; road maintainers; bridge construction equipment; heavy tanks; erection machinery and equipment; threshing machines; sawmill machinery; rollers; power shovels; lift equipment; commodities* which because of size or weight require the use of special equipment; and *self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, between all points in Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The instant application is a matter directly related to MC-F 10376, published in the FEDERAL REGISTER issue of January 29, 1969, in which applicant seeks approval of authority to purchase the Certificate of Registration of Dennis Fuchshuber, doing business as: Equipment Transport Co., under MC 125288 (Sub-No. 1). If a hearing is deemed necessary, applicant does not specify location.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR 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 DALE RESLER, doing business as CARLSBAD CAVERN COACHES, Post Office Box 1828, El Paso, Tex. 79949, and for acquisition by THE GREYHOUND CORPORATION, 10 South Riverside Plaza, Chicago, Ill. 60606, of control of such rights and property through the purchase. Applicants' attorney: W. D. Benson, Jr., Post Office Box 6723, Lubbock, Tex. 79413. Operating rights sought to be transferred: Passengers and baggage of passengers, and of express and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between the fixed termini, between El Paso, Tex., and Carlsbad Caverns, N. Mex., serving all intermediate points; passengers and their baggage, and of express, newspapers, and mail in the same vehicle with passengers, between Carlsbad, N. Mex., and Carlsbad Caverns, N. Mex., serving all intermediate points; and passengers and their baggage, restricted to traffic originating and terminating at El Paso, Tex., in special operations, on round trip sightseeing or pleasure tours, from El Paso, Tex., to White Sands National Monument, N. Mex. Vendee is authorized to operate as a *common carrier* in New Mexico and Texas. Application has not been 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 Craighead Road (Post Office Box 5233), Charlotte, N.C. 28205, of SAFEWAY TRANSPORTATION COMPANY, 135 Murrah Drive, Rock Hill, S.C. 29730, and for acquisition by HARRY R. JOHNSON, also of Charlotte, N.C., of control of SAFEWAY TRANSPORTATION COMPANY, through the acquisition by BRUCE JOHNSON TRUCKING COMPANY, INC. Applicants' attorney and representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, and T. LaFontine Odom, 1100 Barringer Office Tower, 426 North Tyron Street, Charlotte, N.C. 28202. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC-85984 Sub-1, covering the transportation of commodities in general, as a common carrier, in intrastate commerce, within the State of South Carolina. BRUCE JOHNSON TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in South Carolina, North Carolina, Georgia, Tennessee, and New Jersey. Application has been filed for temporary authority under section 210a(b). NOTE: MC-85984 Sub-2 is a matter directly related.

No. MC-F-10413. Authority sought for purchase by MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 965 Eustis Street, St. Paul, Minn. 55114, of a portion of the operating rights and property of LOREN O. THOMAS, New Richmond, Wis. 54017, and for acquisition by A. A. McCUE, also of St. Paul, Minn., of control of such rights and property through the purchase. Applicants' representative: H. N. Votel, 965 Eustis Street, St. Paul, Minn. 55114. 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 the towns of Stanton and Star Prairie, St. Croix County, Wis., and points in the town of Alden, Polk County, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, and Minneapolis, Minn.; *general commodities*, over irregular routes, from Minneapolis, St. Paul, and South St. Paul, Minn., to New Richmond, Wis., and points in the towns of Somerset, St. Joseph, Warren, Richmond, and Stanton, St. Croix County, Wis. (other than incorporated cities and villages); *returned merchandise*, from the Sears, Roebuck and Co. store at New Richmond, Wis., to the Sears, Roebuck and Co. store at Minneapolis, Minn.; *farm machinery and twine*, from Minneapolis and St. Paul, Minn., to New Richmond, Wis.; and *agricultural commodities*, from points in the towns of Star Prairie, Stanton, Somerset, Richmond, and Erin, on the one hand, and, on the other, Minneapolis, Newport, St. Paul, and South St. Paul, Minn. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10414. Authority sought for purchase by EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, of the operating rights of KASMAR ROCHELLE TRANSIT CO., 101 East First Avenue, Rochelle, Ill., and for acquisition by WILSON M. HOUSE, also of Terre Haute, Ind., of control of such rights through the purchase. Applicants' attorneys: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208, and Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 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 Rochelle, Ill., and 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 Rochelle, Ill., including Rochelle, Ill., between Rochelle, Ill., and points in Illinois within 50 miles thereof, on the one hand, and, on the other, Chicago, Ill.; with restriction. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Michigan, Missouri, New Jersey, Indiana, Illinois, Wisconsin, Connecticut, New York, Massachusetts, Colorado, Kansas, Delaware, Rhode Island, Ohio, Maryland, West Virginia, Iowa, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10415. Authority sought for control by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street, West, Syracuse, N.Y. 13201, and for acquistion by INTERNATIONAL BULK DISTRIBUTION CORPORATION, also of Lansdowne, Pa. 19050, of control of BONDED FREIGHTWAYS, INC., through the acquistion by MATLACK, INC. Applicants' attorneys and representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005, Norman M. Pinsky, Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202, and John E. Nelson, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Operating rights sought to be controlled: *Gasoline and fuel oil*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from Renesselaer, N.Y., to

Greenfield and Pittsfield, Mass., from Syracuse, N.Y., to certain specified points in Pennsylvania; *petroleum and petroleum products*, in bulk, in tank trucks, between Johnson City, N.Y., on the one hand, and, on the other, Athens and New Milford, Pa.; *tuluol, xylol, and benzol*, in bulk, in tank trucks, from Troy, N.Y., to certain specified points in Massachusetts and Rhode Island, traversing Connecticut for operating convenience only; *asphalt*, in bulk, in tank vehicles, from Albany, N.Y., to points in Connecticut and Massachusetts, except points in Massachusetts within 50 miles of the New York-Massachusetts State line and points in Hartford and Litchfield Counties, Conn.; *liquid petroleum based asphalt*, in bulk, in tank vehicles, from Albany, N.Y., to points in New Hampshire 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 Hampshire, Vermont, Maine, Connecticut, Massachusetts, and Rhode Island, with restriction; from Solvay, N.Y., to points in Connecticut, Rhode Island, and New Hampshire; *dry chemicals*, in bulk, in tank or hopper-type vehicles, from Niagara Falls, N.Y., to points in New Jersey, Pennsylvania, and that part of Ohio on and north of U.S. Highway 322 extending from the Pennsylvania-Ohio State line to Cleveland, Ohio, and to New York, N.Y., except Queens County and except synthetic plastics to Kings County; *dry cement and mortar*, in bulk and in bags, from the plantsite of the Atlantic Cement Co., Inc., at or near Ravena (Albany County), N.Y., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire; *dry cement and mortar*, in bulk, from the plant and storage site of the Atlantic Cement Co., Inc., at Boston, Mass., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, from the plantsite of the Atlantic Cement Co., Inc., located near Portland (Middlesex County), Conn., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire;

Bicarbonate of soda, dry, and *sodium carbonate*, monohydrated, dry, in bulk, in hopper and mechanical discharge type vehicles, from the plantsites of Church & Dwight Co., Inc., at Syracuse, N.Y., to points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and New York (except points in Nassau, Suffolk, and Queens Counties, N.Y.), with restriction; *dry cement*, between points in Connecticut, between points in Massachusetts, between points in Maine, between points in New Hampshire, between points in Pennsylvania, between points in Rhode Island, between points in Vermont; with restrictions; *dry chemicals*, in bulk, in tank vehicles, from Buffalo and Niagara Falls, N.Y., to points in Connecticut, Massachusetts, and Rhode Island; *limestone*, from the town of Dover, N.Y., to points in Connecticut, Pennsylvania, New York, and points in New Jersey except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., from the town of Dover (Dutchess County), N.Y., to points in Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine (except points in Aroostook County); *asphalt, asphalt emulsions, and asphalt cutbacks*, in bulk, in tank vehicles, from the village of Athens (Greene County), N.Y., to points in Berkshire County, Mass., and Litchfield County, Conn.; *liquefied petroleum gas*, in bulk, in tank vehicles, from pipeline outlets on the Texas Eastern Transmission Corp. pipeline in New York and Pennsylvania, to points in Connecticut, Delaware, Maryland, Massachusetts (except Plymouth, Barnstable, and Bristol Counties), New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont (except Essex County), Virginia, West Virginia, and the District of Columbia;

Sodium sulfite, sodium bisulfite, sodium hyposulfite, and aluminum sulfate, dry, in bulk, from Claymont, Del., to Rochester, N.Y.; *soda ash*, dry, in bulk, from Solvay, N.Y., to Claymont, Del.; *urea and ammonium nitrate* (other than liquid), in bulk, from ports of entry on the United States-Canada boundary line located on the Niagara, Detroit, and St. Clair Rivers, to points in Illinois, Indiana, New Jersey, New York, Ohio, and Pennsylvania, with restriction; *liquid chemicals*, 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 defined 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 hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plantsites of the Allied Chemical Corp., at Syracuse, N.Y., and points in the Syracuse, N.Y., commercial zone, as defined by the Commission, to points in Vermont; *dry silicate of soda*, in bulk, in tank or hopper type vehicles, from Skaneateles Falls, N.Y., to Philadelphia, Pa.; from Skaneateles Falls, N.Y., to points in Connecticut, Massachusetts, 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;

Dry sodium phosphates, in bulk, in tank or hopper type vehicles, from Kearney, N.J., to Skaneateles Falls, N.Y.; from Morrisville, Pa., and points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), to Skaneateles Falls, N.Y., with restriction; *dry cement*, in bulk, from points in Massachusetts, to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island, with restriction; *soda ash*, in bulk, from Solvay, N.Y., to Crestwood Industrial Park, at or near Mountaintop, Luzerne County, Pa., from Solvay, N.Y., to North Rochester, Mass.; *dry calcium chloride*, in bulk, in tank vehicles, from Solvay, N.Y., to Towanda, Pa.; *anhydrous ammonia, nitrogen solutions, and aqua ammonia*, in bulk, in tank vehicles, from the plantsites of Agway, Inc., at Olean, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, 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 Agway, Inc., at Olean, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, with restriction; and *dry chemicals* (except calcium chloride), in bulk, in tank or hopper vehicles, from Solvay, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, with restriction. MATLACK, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a (b).

No. MC-F-10416. Authority sought for purchase by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J., of a portion of the operating rights of FAB TRANSPORTATION, INC., 15 Warren Street, Jersey City, N.J., and for acquisition by BERNARD A. BROWN, also of Vineland, N.J., of control of such rights through the purchase. Applicants' attorney: David G. MacDonald, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, 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, Philadelphia, Pa., and New York, N.Y., and points in New York within 50 miles of New York N.Y.; and *general commodities*, except those of unusual value, and except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in truckload lots only, minimum weight 10,000 pounds, between New York, N.Y., and points in the above New Jersey counties on the one hand, and, on the other, Providence and Westerly, R.I., New Castle and Wilmington, Del., Baltimore, Md., Washington, D.C., Boston, Mass., and points in Massachusetts within 25 miles of Boston, points in New Jersey and Connecticut, and those in that part of Pennsylvania east of the Susquehanna River. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Florida, New Hampshire, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Michigan, Minnesota, Missouri, Indiana, Maine, Georgia, North Carolina, South Carolina, Arkansas,

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

No. MC-F-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 WINFIELD A. WEST (PHILIP G. WEST, and BRUCE W. WEST, CO-EXECUTORS), also of Boyertown, Pa., of control of such rights and property through the purchase. Applicants' attorneys: V. 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 Charlotte, Mich., between Charlotte, Mich., to New York, N.Y.; *television tubes and parts of and for television sets, phonographs, and combinations thereof,* between Charlotte, Mich., on the one hand, and, on the other, certain specified points in New Jersey; *radio and television sets, phonographs, recording sets, and combinations thereof,* between Charlotte, Mich., on the one hand, 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., on the one hand, and, on the other, points in Massachusetts, Connecticut, and New Jersey (except Bloomfield, Clifton, Harrison, Kearny, Nutley, Passaic, Paterson, East Paterson, and Plainfield); *television tubes,* from Harrison and Plainfield, N.J., to Charlotte, Mich.; Restriction: The separate authorities granted hereinabove shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service; *radio sets, television sets, phonographs, and recording sets, and combinations thereof,* crated, and *parts for such commodities,* including radio and television tubes, in containers, between Charlotte, Mich., 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, New Jersey, New York, Connecticut, and Massachusetts, between Chicago, Ill., on the one hand, and, on the other, points in Pennsylvania; Restriction: Service between points in Illinois and Indiana shall be performed through Charlotte, Mich.; and *radio sets, television sets, phonographs, recording sets, and combinations thereof,* crated, *and parts of and for such commodities, and tubes,* between Chicago, Ill., on the one hand, and, on the other, 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, Illinois, Indiana, Michigan, Vermont, North Carolina, Kentucky, Wisconsin, Iowa, Tennessee, Alabama, Arkansas, Florida, Georgia, Louisiana, Maine, Mississippi, Minnesota, New Hampshire, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10418. Authority sought for purchase by R. D. LEWIS BANANA CO., INC., 221 Fourth Street, Fowler, Colo. 81039, of a portion of the operating rights of H. L. HERRIN, JR., Post Office Box 2339, Jefferson Highway, New Orleans, La. 70123, and for acquisition by R. E. LEWIS, IRENE LEWIS, both also 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' attorney: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Bananas,* as a *common carrier* over irregular routes, from Gulfport, Miss., to points in Colorado. Vendee is authorized to operate as a *common carrier* in Louisiana, Colorado, Texas, Nebraska, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10419. Authority sought for control by CLIFTON E. WELDON, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237, of DEVORE BROKERAGE COMPANY, INC., Post Office Box 396, Loxley, Ala. 36551. Applicants' representative: Tom D. Copeland, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. 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 Georgia, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas, with restriction; and *cotton seed meal,* as a *contract carrier,* over irregular routes, from Atlanta, Ga., and Memphis, Tenn., to points in Baldwin and Mobile Counties, Ala., with restriction. CLIFTON E. WELDON, holds no authority from this Commission. However, he controls ARGO-COLLIER TRUCK LINES CORPORATION, Fulton Highway, Post Office Drawer 440, Martin, Tenn., which is authorized to operate as a *common carrier* in Tennessee, Illinois, Kentucky, Missouri, Georgia, Alabama, Mississippi, Louisiana, Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Florida, Arkansas, Wisconsin, Iowa, Kansas, Oklahoma, Texas, Nebraska, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b). NOTE: This application was filed pursuant to the report and order, by the Commission, Review Board No. 1, granted January 8, 1969. Applicant moves for dismissal of the application on the grounds of lack of jurisdiction.

By the Commission.

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

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

[Notice 313]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71165. By order of March 12, 1969, the Motor Carrier Board approved the transfer to Livestock Service, Inc., St. Cloud, Minn. 56301, of Permits Nos. MC-124071, and MC-124071 (Sub-No. 3), issued January 9, 1963, and February 28, 1966, respectively, to Martin Trushenski, doing business as Trushenski Trucking, St. Cloud, Minn. 56301, authorizing the transportation of: Fresh meats, in shipper-owned trailers, from St. Cloud, Minn., to Detroit, Mich., and to points in Kansas, Kentucky, Missouri, Nebraska, and Tennessee, limited to a specific shipper. Mr. James E. Wilson, 1735 K Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-71168. 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-85941 (Sub-No. 1), 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, between points and places in the State of Wyoming, corresponding to the grant of authority in certificate No. 172, issued prior to October 15, 1962, by the Public Service Commission of Wyoming.

No. MC-FC-71169. By order of March 12, 1969, the Motor Carrier Board approved the transfer to Donald C. Hubka, doing business as Lumber Transport, Clinton, Wis., of Permits Nos. MC-128537 and MC-128537 (Sub-No. 1), issued May 31, 1968, and May 31, 1968, respectively, to Raymond V. McDonough, doing business as Lumber Transport, Delavan, Wis., authorizing the transportation of: Lumber and building materials as described in

Appendix VI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between Beloit, Wis., on the one hand, and, on the other, points in Lake, Boone, Lee, Winnebago, McHenry, Stephenson, Jo Daviess, Carroll, Whiteside, Ogle, Cook, De Kalb, Kane, Kendall, Du Page, and Will Counties, Ill., restricted against the transportation of cement from points in Illinois to Beloit, Wis.; and from the site of Wickes Lumber Co., near Elkhorn, Wis., to points in the above-specified counties in Illinois. The above operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Wickes Lumber Co., of Elkhorn, Wis. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203, attorney for applicants.

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

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

[Notice 313A]

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:

No. MC-FC-71231. By application filed March 11, 1969, BEE LINE TRANSPORTATION, INC., 404 South 24th Street, Billings, Mont. 59101, seeks temporary authority to lease the operating rights of TIM M. BABCOCK, doing business as BABCOCK TRANSPORTATION CO., 910 Wyoming, Billings, Mont. 59102, under section 210a(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.

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

[F.R. Doc. 69-3275; Filed, Mar. 18, 1969; 8:47 a.m.]

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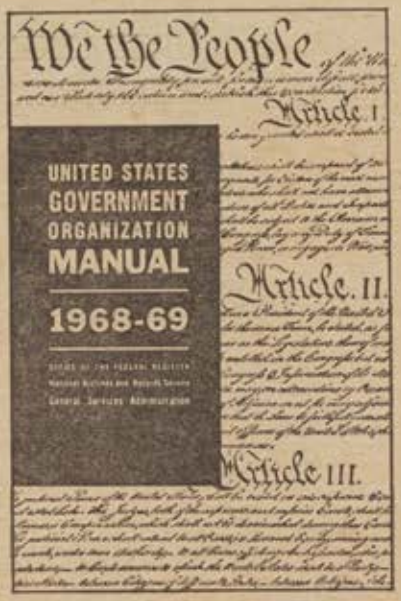

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