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Agencies in this issue—

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(As of January 1, 1969)

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

IMPORTATION

On October 12, 1968, there was published in the FEDERAL REGISTER (33 F.R. 15253) a notice of rule making concerning proposed amendments of §§ 319.37(b) and 319.37–19(c) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37 (b), 319.37–19(c)). After due consideration of all relevant matters presented and pursuant to the provisions of sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), said §§ 319.37(b) and 319.37–19(c) are hereby amended in the following respects:

1. Section 319.37(b) is amended as follows:

(a) Delete therefrom the following items now appearing in the "Plant material", "Foreign country or countries from which prohibited", and "Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material" tabular columns, respectively:

Plant material	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
Pinus spp. (5-leaved)	All foreign countries when destined to States designated as noninfected in § 301.63-3a of this chapter or amendments thereof.	Cronartium ribicola Fischer (White-pine blister rust).
Ribes nigrum (both plants and seeds).	All foreign countries when destined to States designated as noninfected in § 301.63-3a of this chapter or amendments thereof.	Cronartium ribicola Fischer (White-pine blister rust).

(b) Revise the wording therein in the respective tabular columns relating to *"Ribes nigrum"*, to read as follows:

Ribes nigrum	England and New Zealand	Aphelenchoides ritzemabosi (Schwartz) Steiner (Black currant eel worm).
	British Isles and Sweden	Acrogenus ribis Burk. (Black currant reversion disease virus).

2. Amend § 319.37–19(c) by changing the wording in the tabular columns relating to *"Ribes nigrum"*, to read as follows:

Plants to be grown under postentry quarantine	*Where imported from*
Ribes nigrum	All foreign countries except British Isles, Canada, New Zealand, and Sweden.

(Secs. 1, 5, 7, 9, 37 Stat. 315–318, as amended; 7 U.S.C. 154, 159, 160, 162; 29 F.R. 16210, as amended; 33 F.R. 15485)

These amendments shall become effective upon publication in the FEDERAL REGISTER.

These amendments in part differ in form from those set forth in the notice of proposed rule making, but the changes made will not alter the effect of the amendments as adopted from what the effect of the proposal would have been. The items *"Pinus* spp. (5-leaved)" and *"Ribes* spp. (both plants and seeds)" are deleted from the proposed conditionally prohibited listing in § 319.37(b); and administrative instructions are being issued, under § 319.37–24 (Cooperation with States), which will result in imposing corresponding conditions by restricting the importation of these *Pinus* species and *Ribes* species into those States desiring protection against white-pine blister rust disease.

As proposed in the notice of rule making, Sweden is added to the list of countries from which importation of *Ribes nigrum* is prohibited on account of the black currant reversion disease virus; and the scientific name of the black currant eel worm is changed.

These amendments should be made effective promptly in order to accomplish the purpose of the amendments in the public interest. Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice and public participation in the rule making procedure concerning the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of April 1969.

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

[F.R. Doc. 69–4523; Filed, Apr. 16, 1969; 8:48 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

ADMINISTRATIVE INSTRUCTIONS CONCERNING IMPORTATION OF PINUS SPP. (5-LEAVED) AND RIBES SPP. INTO CERTAIN STATES

Pursuant to § 319.37–24 of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–24), under the authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), administrative instructions designated as § 319.37–24d are hereby issued to read as follows:

§ 319.37–24d Administrative instructions concerning importation of Pinus spp. (5-leaved) and Ribes spp. into certain States.

(a) In accordance with § 319.37–24 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–24), the Director of the Plant Quarantine Division has determined that the States of Massachusetts, Michigan, New York, West Virginia, and Wisconsin have taken action to suppress white-pine blister rust. To assist in the suppression of this disease, these States have promulgated quarantines prohibiting the entry into such States in interstate commerce of *Pinus* spp. (5-leaved) and *Ribes* spp. and, further, have requested that the U.S. Department of Agriculture cooperate by restricting the importation from foreign countries of such materials into these States.

(b) Under authority conferred upon the Director of the Plant Quarantine Division by § 319.37–24, notice is hereby given that import permits will be refused for the importation of *Pinus* spp. (5-leaved) and *Ribes* spp. when destined to the States of Massachusetts, Michigan, New York, West Virginia, and Wisconsin, or any portion thereof as designated by the States.

(Secs. 1, 5, 7, 9, 37 Stat. 315–318, as amended; 7 U.S.C. 154, 159, 160, 162; 7 CFR 319.37–24; 29 F.R. 16210, as amended; 33 F.R. 15485)

These administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

The purpose of these administrative instructions is to cooperate with the States desiring protection against white-pine blister rust disease by prohibiting the importation of *Pinus* spp. (5-leaved) and *Ribes* spp. into such States from all foreign countries in furtherance of action already taken by those States to suppress the disease that might be introduced with such plants. Therefore, the administrative instructions should be made effective promptly in order to accomplish their purpose in the public

interest. Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on these instructions are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 2d day of April 1969.

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

[F.R. Doc. 69-4524; Filed, Apr. 16, 1969; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Designation of Certification Counties

Correction

In F.R. Doc. 69-4069 appearing at page 6235 in the issue of Tuesday, April 8, 1969, in § 718.28 the following changes should be made:

1. In the alphabetical listing under the center heading "Kentucky," change the word "Montgemery" to read "Montgomery."

2. In the second line of the authority citation, the reference to "7 U.S.C. 1378" should read "7 U.S.C. 1373".

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

[Navel Orange Reg. 178]

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

Limitation of Handling

§ 907.478 Navel Orange Regulation 178.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 15, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 18, 1969, through April 24, 1969, are hereby fixed as follows:

(i) District 1: 693,000 cartons;

(ii) District 2: 207,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: April 16, 1969.

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

[F.R. Doc. 69-4687; Filed, Apr. 16, 1969; 11:24 a.m.]

[Valencia Orange Reg. 272]

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

Limitation of Handling

§ 908.572 Valencia Orange Regulation 272.

(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 April 15, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 18, 1969, through April 24, 1969, are hereby fixed as follows:

(i) District 1: 242,137 cartons;

(ii) District 2: 141,881 cartons;

(iii) District 3: 275,000 cartons.

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

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

Dated: April 16, 1969.

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

[F.R. Doc. 69-4688; Filed Apr. 16, 1969; 11:24 a.m.]

[959.309, Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959; 34 F.R. 6439), regulating the handling of onions grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the 1969 marketing season for South Texas onions is currently in progress and volume shipments are now being made, (2) compliance with this amendment will not require any special preparation by handlers, (3) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, (4) the length of time between the time the need for such amendment to the regulation is determined and the time it must become effective is relatively short because the daily shipments of production area onions increase very rapidly and such amendment should become effective before such onion shipments become excessive, (5) delaying the effective date of the amendment to the regulation would afford handlers an opportunity to increase their shipments of production area onions prior to the effective date thereby tending to nullify any benefits that may otherwise be derived from such amendment to the regulation.

Order, as amended. In § 959.309 (33 F.R. 17309) amend the limitation of shipments regulation by adding, to the end thereof, additional regulations to limit the packaging hours for South Texas onions, to read as follows:

§ 959.309 **Limitation of shipments.**

* * * * *

(h) *Packaging limitations.* During the period beginning on the effective date hereof through May 3, 1969, the packaging of onions is prohibited except during the hours of 12 noon through 6 p.m. of any Monday through Friday and during the hours of 10 a.m. through 12 noon of any Saturday: *Provided,* That:

(1) A handler may package during a different period in any specified day or days consisting of the same number of consecutive hours, upon giving the committee and Federal-State inspection service advance notice thereof. Such advance notice shall be by telephone to the committee office and the Federal-State inspection service, immediately confirmed in writing on forms provided by the committee for such purpose.

(2) Whenever a handler during the hours when he is authorized to package onions is prevented, by a condition hereinafter specified as being beyond his reasonable control, for more than 1 consecutive hour from so packaging onions, he may obtain permission from the committee to package onions during a comparable number of additional hours in the same day or a later day as specified by the committee. The conditions that are specified as being beyond a handler's reasonable control are:

(i) Interruption of utility services; or

(ii) Adverse weather; or

(iii) Fire; or

(iv) Mechanical failure of grading equipment; or

(v) Labor strike at the packing shed; or

(vi) Such other similar conditions as are so determined by the committee.

Whenever a handler is so prevented from packaging onions he shall immediately have a Federal-State inspector note the reason for such occurrence and the time thereof. The handler shall notify the committee by telephone within 2 hours of the inception of such condition and shall give immediate written confirmation thereof on forms provided by the committee for this purpose.

(3) Exemptions for special purposes: Onions for: (i) Export to locations outside the North American continent and not for reimportation; and (ii) repackaging into consumer size packages when such onions have been previously packaged during authorized hours for such packaging, have been inspected by a Federal-State inspector and have complied with such other regulations in effect issued pursuant to § 959.52; are exempt from the restrictions on the packaging and loading of onions on Sundays and the restrictions on the hours when onions may be packaged pursuant to § 959.53, *Handling for special purposes,* provided that the safeguard requirements established pursuant to § 959.54 are complied with.

(4) Safeguards:

(i) The handler shall make application for exemption for handling for such special purposes on forms prescribed by, and available at the office of the South Texas Onion Committee. Upon request by the committee the following information shall be supplied by the applicant:

(*a*) Name and address of the handler.

(*b*) Location of shed at which onions will be packaged for which exemption is requested.

(*c*) Reason for request.

(*d*) Anticipated date of shipment.

(*e*) Mode of transportation and, if for export, name of vessel.

(*f*) If for export, port of debarkation.

(*g*) Estimated quantity of each varietal type and size for which exemption is requested.

(*h*) Remarks, if any.

(*i*) Signature of applicant and date.

(*j*) Other information that may be required by the committee.

(ii) If it is determined by the committee from the available information that the applicant is entitled to an exemption for a quantity of onions, and if it is concluded that such exemption will not jeopardize the objectives of the program, the committee shall issue one or more exemption certificates to such handler. If it is determined from the available information that the applicant is not entitled to an exemption, he will be informed by written notice why the application was not granted.

(iii) Handlers repackaging onions or packaging onions for export must, in addition to complying with the foregoing, telephone or otherwise notify the committee office prior to such handling of onions and inform the committee of the period that they will be so handling onions during hours other than those authorized for the packaging of onions.

(iv) The handlers shall report all shipments made under an approved exemption on a form furnished by the committee.

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

Dated: April 15, 1969, to become effective April 18, 1969.

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

[F.R. Doc. 69-4589; Filed, Apr. 16, 1969; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, and 134b), Part 83, designated "Duck Virus Enteritis (Duck

Plague)" in Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. A new paragraph (t) is added to § 83.1 to read as follows:

§ 83.1 Definitions.

* * * * *

(t) *Approved vaccine.* A vaccine for the control of duck virus enteritis which is produced and tested in accordance with the regulations in Subchapter E of this chapter. A list of approved vaccines may be obtained from the Director of the Veterinary Biologics Division.

2. Paragraph (b) of § 83.5 is amended and a new paragraph (f) is added to read as follows:

§ 83.5 Interstate movement of domestic waterfowl, products thereof, and related articles from quarantined area restricted.

* * * * *

(b) *Other domestic waterfowl.* Domestic waterfowl, other than newly hatched domestic waterfowl, may be moved interstate from a quarantined area if they (1) originate from an approved source flock; (2) were hatched in an approved hatchery or under natural conditions on the farm of origin; (3) have been tested for duck virus enteritis by a State or Federal inspector and found to be negative; and (4) are not known to have been exposed to duck virus enteritis and are certified by a State or Federal inspector as meeting these requirements.

* * * * *

(f) *Eggs.* Clean eggs from domestic waterfowl may be moved interstate from a quarantined area if they originate in approved source flocks, are not known to have been exposed to products or equipment or personnel which may have been contaminated by nonapproved source flocks, and have been sanitized by means of a final rinse which contains (1) 200 parts per million of free chlorine or (2) 400 parts per million of a quarternary ammonium cationic detergent, and are certified by a State or Federal inspector as meeting these requirements.

3. Section 83.7 is amended to read as follows:

§ 83.7 Approval and maintenance of source flocks.

(a) A breeding flock or commercial flock of domestic waterfowl may be designated an approved source flock by the Director of Division after a period of 60 days during which the flock has been under the supervision of a Federal or State inspector, if:

(1) Flock records including mortality and egg production, when appropriate, are available for inspection by State or Federal inspectors;

(2) Any waterfowl that die in the flock are submitted to an approved laboratory for examination as requested by a State or Federal inspector and do not show pathological lesions of duck virus enteritis;

(3) The flock has not known to have been exposed to duck virus enteritis.

(4) The flock meets one of the following requirements:

(i) No evidence of duck virus enteritis has ever been known to exist in domestic waterfowl located on the premises; or

(ii) No evidence of duck virus enteritis has existed on the premises during the past 12 months and the flock at the time of approval is not known to have been affected with duck virus enteritis; or

(iii) The premises has been completely depopulated and thoroughly cleaned and disinfected under the supervision of a Federal or State inspector and left vacant for a period of 21 days, and such premises is repopulated with waterfowl from an approved source; or

(iv) No evidence of duck virus enteritis exists in waterfowl now located on the premises and the flock has been tested for duck virus enteritis by a State or Federal inspector and found to be negative.

(5) When flocks are vaccinated against duck virus enteritis, only an approved vaccine is used, it is used under the supervision of a State or Federal inspector and it is used only in flocks not known to have been affected with the disease.

(b) Maintenance of approved status: A breeding or commercial domestic waterfowl flock which has been designated an approved source flock by the Director of Division shall retain such status so long as the applicable provisions of paragraph (a) of this section are complied with under the supervision of a State or Federal inspector.

4. Paragraph (d) of § 83.8 is deleted and paragraph (c) is amended to read as follows:

§ 83.8 Approval of hatcheries.

* * * * *

(c) Only eggs from approved source flocks are hatched on the premises.

(d) [Deleted]

* * * * *

(Secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 4, 5, 6, and 7, 23 Stat. 32, as amended, secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, 134b, 29 F.R. 16210, as amended, 33 F.R. 15485)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The purposes of the foregoing amendments are (1) to allow the interstate movement of eggs from approved source flocks from areas quarantined because of duck virus enteritis (duck plague); (2) to permit the use of an approved vaccine to be used in the vaccination of breeding or commercial flocks which are to be designated as approved source flocks; and (3) to clarify certain provisions of the regulations by a rearrangement of the format.

The amendments relieve certain restrictions presently imposed and will be of benefit to the Federal-State program now in operation in the State of New York for the control and eradication of duck virus enteritis (duck plague). The amendments should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved and to the Federal-State program. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of April 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-4522; Filed, Apr. 16, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Mutual Savings Banks in Massachusetts

1. Effective April 14, 1969, § 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.7) is amended by adding a new paragraph (f) as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.

* * * * *

(f) *Special notice account deposits in Massachusetts.* Notwithstanding paragraph (b) of this section, any insured nonmember mutual savings bank located in the Commonwealth of Massachusetts may pay a higher rate of interest or dividends on any deposit which is subject to a written agreement with the depositor that such deposit may not be withdrawn in whole or in part other than pursuant to the terms of a withdrawal notice signed by the depositor and to be received by the bank not less than 90 days in advance of a 9-day withdrawal period.

2a. The purpose of this amendment is to enable mutual savings banks in Massachusetts which are subject to this Corporation's interest regulations to compete more effectively with similar institutions in that State which are not subject to such regulations.

b. There was no notice and public participation with respect to this amendment, nor is the effective date thereof deferred after publication, since the board of directors had found pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6) that, under the circumstances, such procedure would cause delay and would prevent the action from becoming effective as promptly as necessary in the public interest.

(Sec. 9, 64 Stat. 881; applies or interprets sec. 18, 64 Stat. 891, 12 U.S.C. 1828)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-4520; Filed, Apr. 16, 1969; 8:48 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 22,728]

PART 508—PROMULGATION OF REGULATIONS AND AMENDMENTS

Waiver or Relaxation of Regulatory Provisions in Disaster Areas

APRIL 14, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration of the desirability of amending Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) for the purpose of authorizing the Board to waive or relax any regulatory provisions with respect to any area affected by a major disaster as determined by the President of the United States, hereby amends said Part 508 by adding a new § 508.10-1, immediately after § 508.10, to read as follows, effective April 17, 1969:

§ 508.10-1 Waiver or relaxation of regulatory provisions with respect to disaster areas.

Whenever the President of the United States determines that a major disaster exists, or declares an area a major disaster area, the Board may, to the extent not inconsistent with law, by resolution waive or relax any limitations pertaining to the operations of Federal savings and loan associations, institutions insured by the Federal Savings and Loan Insurance Corporation and member institutions of the Federal Home Loan Bank System in any area or areas affected by such disaster or so declared.

(Sec. 17, 47 Stat. 736, as amended, secs. 5 402, 403, 48 Stat. 132, 1256, 1257, as amended; 12 U.S.C. 1437, 1464, 1725, 1726; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective upon publication in the FEDERAL REGISTER, the Board hereby finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) 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 (12 CFR 508.14) 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. 69-4558; Filed, Apr. 16, 1969; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4959]

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

Guide for Preparation and Filing of Regisfration Statements; Misleading Names of Registrants

In recent months the Commission's Division of Corporation Finance has observed an increase in the incidences of registrants adopting names which may be misleading. Some registrants have used names which may create a misleading impression as to the nature of their business. For examples, registrants have proposed to use words such as "nuclear," "missile," "space," "nucleonics" or "electronics" in their names where they were not engaged in activity normally associated with those words, or only so engaged to a very limited extent.

The Division also may deem a registrant's name to be misleading if it is so similar to the name of another company, particularly a well-known and established company, that it is likely to be confused with the name of the other company.

The Commission has authorized publication of this proposed guide in order to bring the views of the Division to the attention of prospective registrants. Comments and suggestions on the proposed guide should be submitted to Charles E. Shreve, Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before May 5, 1969, so that the Division may have the benefit of the views of those interested before the guide is published in definitive form. Pending publication in definitive form, the Division will generally follow the proposed guide as published in the text set forth below.

54. *Misleading character of certain registrants' names.* A registrant's name may be materially misleading if it indicates a line of business in which the registrant is not engaged or is engaged only to a limited extent. If the registrant is not engaged to any substantial extent in the business indicated by the name, a change of name may be the only way to cure its misleading character. If the registrant is substantially engaged in the line of business, even though it does not comprise the major portion of the business, it may be sufficient to disclose under the name of the registrant on the cover page of the prospectus the limited extent to which the registrant is engaged in the business indicated by its name. This paragraph does not apply, however, to an established company which over a period of years has changed the general character of its business and where the investing public is generally aware of the change and the character of the registrant's present business.

A registrant's name may also be misleading if it is the same or substantially the same as the name of another well-known company. If it appears likely that the registrant's name may be confused with the name of the other company, consideration should be given to changing the name. However, if both companies are new or small and relatively unknown and are located in different parts of the country, so that investors are not likely to mistake one company for the other, it would be sufficient to disclose on the cover page of the prospectus, under the name of the registrant, the lack of any relationship between the two companies.

By the Commission, April 7, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4428; Filed, Apr. 16, 1969; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents §§ 200.53, 200.54, and 200.84a are deleted and §§ 200.97, 200.102, 200.103, and 200.106 are amended as follows:

Sec.
200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy; and Division Directors under their supervision.
200.102 Assistant Commissioners and Director, Audit Division.
200.103 Division Directors and their superiors; Field Office Directors, Deputies, and Assistants, and others.

200.106 Assistant Commissioner for Field Operations and Deputy; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration and Deputy; Director of Personnel; and Deputy Director of Personnel.

In Part 200 § 200.51 is amended to read as follows:

§ 200.51 Acting Commissioner.

The Deputy Assistant Secretary, the Executive Assistant Commissioner, the Assistant Commissioner for Field Operations, the Assistant Commissioner for Programs, the Assistant Commissioner for Administration, and the Assistant Commissioner-Comptroller, in the order named, are designated by the Assistant Secretary-Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties, and rights delegated to the Assistant Secretary-Commissioner by the Secretary of Housing and Urban Development.

§ 200.53 General Counsel and Associate General Counsel. [Revoked]

In Part 200 § 200.53 is revoked.

§ 200.54 Regional Operations Commissioners and Deputies. [Revoked]

In Part 200 § 200.54 is revoked.

§ 200.84a Assistant to the Commissioner, Intergroup Relations. [Revoked]

In Part 200 § 200.84a, is revoked.

In § 200.84e paragraph (c) is amended to read as follows:

§ 200.84e Director, Compliance Coordination.

* * * * *

(c) To assist the Deputy Employment Policy Officers, and the Deputy Contracts Compliance Officers with compliance activities under the Executive orders for equal opportunity in housing, equal employment opportunity in government and on government contracts and government-assisted contracts.

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Assistant Secretary-Commissioner, Chairman; Deputy Assistant Secretary, Vice Chairman; Executive Assistant Commissioner; Assistant Commissioner for Field Operations; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; Assistant Commissioner for Property Disposition; and Director, Audit Division.

In Part 200, § 200.88 is amended to read as follows:

§ 200.88 Property Disposition Committee.

(a) *Members.* The Property Disposition Committee is comprised of the following members: Deputy Assistant Secretary, Chairman; Assistant Commissioner for Field Operations; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Property Disposition; and such other members as the Assistant Secretary-Commissioner shall designate.

(b) *Functions.* The functions of the Property Disposition Committee are:

(1) To pass upon and determine the action to be taken with respect to the acceptance or rejection of any offer to purchase a property of 12 or more living units or any mortgage acquired by FHA in connection with multifamily housing mortgage insurance under any title of the Act, the sale and terms of sale of mortgages taken as security in connection with the sale of such properties, and to establish general policies with respect to the disposition of acquired properties and mortgages. The minutes of the Committee reflecting its determinations shall constitute the basis of acceptance or rejection of such offers and the execution of all documents and instruments relating and incident thereto by the Assistant Commissioner for Property Disposition or his Deputy.

(2) To determine whether or not an expenditure is "necessary to carry out the provisions" of titles I, II, VI, VII, VIII, and IX as such term is used in section 1 of the National Housing Act, and to approve such expenditure for and on behalf of the Assistant Secretary-Commissioner whenever such a determination and approval is necessary to support the legal authority of the Assistant Secretary-Commissioner to make such expenditure.

(3) In connection with the functions of this committee, the Chairman is authorized to execute in the official name of the Assistant Secretary-Commissioner, as his agent, all contracts of sale, deeds or any other documents or instruments necessary in connection with the sale of properties or with conveyance of title of such properties.

(4) This committee shall meet at the call of the Chairman and shall maintain minutes of each meeting. Such minutes shall be dated, consecutively numbered and shall be signed by each member who attended the meeting. The original of such minutes shall be retained by the Assistant Commissioner-Comptroller in the official FHA records.

In § 200.89, paragraph (a)(1) is amended to read as follows:

§ 200.89 Substantial Compliance Committee.

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner for Property Improvement, Chairman; Assistant Commissioner-Comptroller; Assistant Commissioner for Administration; and Assistant Commissioner for Programs, or their designees.

* * * * *

In § 200.90, paragraph (a) is amended to read as follows:

§ 200.90 Finance Committee.

(a) *Members.* The Finance Committee is comprised of the following members: Director, Research and Statistics Division, Chairman; Assistant Commissioner-Comptroller, and Assistant Commissioner for Administration.

* * * * *

In § 200.92, paragraph (a) is amended to read as follows:

§ 200.92 Structural Defects Committee.

(a) *Members.* The Structural Defects Committee is composed of the following members: Assistant Commissioner for Home Mortgages, Chairman; Assistant Commissioner-Comptroller; and Assistant Commissioner for Technical Standards, or their designees.

* * * * *

In § 200.93, paragraph (a) is amended to read as follows:

§ 200.93 Multifamily Participation Review Committee.

(a) *Members.* The Multifamily Participation Review Committee shall consist of the following officials or their deputies: Assistant Commissioner for Field Operations, Chairman; Assistant Commissioner for Technical Standards; Assistant Commissioner for Multifamily Housing; Director, Audit Division; Director, Compliance Coordination; and such other members as the Assistant Secretary-Commissioner shall designate.

* * * * *

In § 200.97, the heading and introductory text are amended to read as follows:

§ 200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy and Division Directors under their supervision.

To the positions of Assistant Commissioner for Field Operations and his Deputy; and as they apply to home mortgage insurance operations to the positions of Assistant Commissioner for Home Mortgages and his Deputy; and as they apply to property improvement loans under section 2 of title I of the National Housing Act to the positions of Assistant Commissioner for Property Improvement and his Deputy; and as they apply to multifamily housing mortgages to the positions of Assistant Commissioner for Multifamily Housing and his Deputy, and as they apply to multifamily housing project mortgage servicing to the positions of Director, Project Mortgage Servicing Division, and his Deputy and to the positions of branch chief and to each of them under their supervision, and as they apply to project mortgage insurance initiation to the positions of Director, Project Mortgage Insurance

Division, and his Deputy and to the positions of branch chief and to each of them under their supervision, there is delegated the following duties and functions.

* * * * *

In § 200.102, the heading and introductory text are amended to read as follows:

§ 200.102 Assistant Commissioners and Director, Audit Division.

To the position of Assistant Commissioner, and to each of them, and to the position of Director, Audit Division, in addition to the authority granted under the provisions of section 204(g) of the National Housing Act, there is delegated the following duties and functions.

* * * * *

In Part 200 § 200.103 is amended to read as follows:

§ 200.103 Division Directors and their superiors; Field Office Directors, Deputies, and Assistants, and others.

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinator, Division Director and Deputy Division Director, Field Office Director, Deputy Field Office Director, Assistant Field Office Director, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 Stat. 738).

In § 200.106, the heading and paragraph (a) are amended to read as follows:

§ 200.106 Assistant Commissioner for Field Operations and Deputy; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration and Deputy; Director of Personnel; and Deputy Director of Personnel.

(a) To the Assistant Commissioner for Field Operations; Deputy Assistant Commissioner for Field Operations; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; the Assistant Commissioner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., April 10, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-4521; Filed, Apr. 16, 1969; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-36]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

LAKE MEAD AT SOUTH BAY, ARIZ.

1. The U.S. Department of the Interior, National Park Service, Lake Mead Recreational Area, Boulder City, Nev., requested an expansion of the boundaries of the special anchorage area in South Bay, Lake Mead, Ariz., as described in 33 CFR 110.127(n), published in the FEDERAL REGISTER on March 23, 1968 (33 F.R. 4922). A public notice dated February 1, 1969, was issued by the Commander, 11th Coast Guard District, Long Beach, Calif., describing the proposed changes. All known interested parties were notified and requested to comment on the proposal. No objections were received. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice in the FEDERAL REGISTER is considered unnecessary. Therefore, the request to expand the boundaries of the special anchorage area as described in 33 CFR 110.127(n) below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by revising paragraph (n) of § 110.127, describing the new limits of this special anchorage area.

3. In § 110.127, paragraph (n) is revised to read as follows:

§ 110.127 Lake Mohave and Lake Mead, Nev. and Ariz.

* * * * *

(n) *South Bay, Ariz.* That portion of Lake Mead enclosed by the shore and a line connecting the following points, excluding one 100-foot wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	*Longitude*
"a" 36°06'26"	"a" 114°06'13"
"b" 36°05'00"	"b" 114°06'50"
"c" 36°05'00"	"c" 114°06'13"

* * * * *

(Sec. 1, 30 Stat. 98 as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 14, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-4554; Filed, Apr. 16, 1969; 8:50 a.m.]

[CGFR 69-37]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

SAN DIEGO HARBOR, CALIF.

1. The Commander, 11th Coast Guard District, Long Beach, Calif., by letter dated March 18, 1969, requested the disestablishment of the Temporary Naval Anchorage in San Diego Bay, as described in 33 CFR 110.210(a)(4), since the Navy no longer has need for this temporary anchorage. The request is granted.

2. This document effectuates this request by revoking paragraph (a)(4) of § 110.210, which describes the limits of this anchorage ground, and by revoking paragraph (b)(5) of § 110.210, which prescribes the regulations pertaining thereto.

3. In Subpart B of Part 110, § 110.210 *San Diego Harbor, Calif.*, is amended by revoking paragraphs (a)(4) and (b)(5) thereof.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(i))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 11, 1969.

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

[F.R. Doc. 69-4555; Filed, Apr. 16, 1969; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to the AEC Procurement Regulations implement and supplement Amendment 48 to the Federal Procurement Regulations. The principal change is the addition of a new Part 9-18, Procurement of Construction and Contracting for Architect-Engineer Services. Changes in other parts related to this addition are also included. Except for elimination of material (including elimination of AEC's termination article

for CPFF construction contracts) now covered by the FPR and transfer of material to the new part, there are no significant changes in these amendments.

PART 9–1—GENERAL

1. In § 9–1.104, *Applicability*, paragraph (c) is revised to read as follows:

§ 9–1.104 Applicability.

* * * * *

(c) The following sections and subparts of the Federal Procurement Regulations Part 1 and this AECPR Part 1 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors in the development of statements of contractor procurement practices as constituting areas which require appropriate treatment in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203.

Section or subpart	*Subject*
FPR:	
1–1.305	Specifications.
1–1.306	Standards.
1–1.307	Purchase descriptions.
1–1.310	Responsible prospective contractor.
1–1.316	Time of delivery or performance.
1–1.5	Contingent Fees.
1–1.6	Debarred, Suspended, and Ineligible Bidders.
1–1.7	Small Business Concerns.
1–1.8	Labor Surplus Area Concerns.
1–1.9	Reporting Possible Antitrust Violations.
1–1.10	Publicizing Procurement Actions.
1–1.11	Qualified Products.
1–1.16	Reports of Identical Bids.
AECPR:	
9–1.302–1(b)	Procurement from local trade area sources.
9–1.305–1	Mandatory use of Federal Specifications.
9–1.310	Responsible prospective contractors.
9–1.350	AEC Specifications and Standards.
9–1.354	Prebidding and preproposal conferences.
9–1.5	Contingent Fees.
9–1.6	Debarred, Suspended, and Ineligible Bidders.
9–1.7	Small Business Concerns.
9–1.8	Labor Surplus Area Concerns.
9–1.9	Reporting Possible Antitrust Violations.
9–1.11	Qualified Products.
9–1.50	Change Orders, Equitable Adjustments, and Supplemental Agreements for Fixed-Price Contracts.
9–1.54	General Policy for the Avoidance of Organizational Conflicts of Interest.

§ 9–1.355 [Deleted]

2. Section 9–1.355, *Combinations of architect-engineer and construction contracts*, is deleted.

3. Section 9–1.5401, *Purpose*, is revised to read as follows:

§ 9–1.5401 Purpose.

This subpart sets forth AEC general policy with respect to the avoidance of organizational conflicts of interest. This subpart is in addition to and not in lieu of other requirements in the AECPR concerning AEC policies for avoiding conflicts of interest. (See AECPR §§ 9–3.951 and 9–56.401(a)(2).) The Report to the President on Government Contracting for Research and Development (generally known as the Bell Report) proposed that each department and agency head develop a "Code of Conduct" for organizations in the research and development field. This subpart has been developed in accordance with that instruction.

4. In § 9–1.5407, *Guides applicable prior to selection of contractor and execution of contract*, paragraph (g) is revised to read as follows:

§ 9–1.5407 Guides applicable prior to selection of contractor and execution of contract.

* * * * *

(g) Combinations of contracts for architect-engineering and construction services, which may result in self-inspection of construction work, tend to prevent a contractor from rendering unbiased decisions, or create difficulties in segregating costs between contracts, and should be avoided. However, it is recognized that sometimes it is advantageous under carefully circumscribed conditions for AEC to obligate a single firm to perform both architect-engineer and construction work, or for AEC to enter into a contract for architect-engineer and construction management services which may include performance of a segment of the construction work with the contractor's own forces. Unless otherwise authorized by the Director, Division of Contracts, Headquarters, the following combinations of contracts shall not be awarded to the same firm or to affiliated companies:

(1) CPFF and fixed-price contracts for construction services, for on-site architect-engineer services, or for construction and on-site architect-engineer services on different construction projects, if the performance of any portion of the work under each contract is to be concurrent and in the same general location.

(2) A fixed-price contract or contracts, for both architect-engineer and construction services on the same construction project, or a CPFF contract for architect-engineer services and a fixed-price contract for construction services on the same construction project. If a firm is to be responsible under such contractual arrangements for both design and construction services, title III architect-engineer services shall be performed by another organization selected by the AEC.

(3) A CPFF contract for both architect-engineer and construction services on the same construction project (engineer-constructor contract). If this contractual arrangement is used, the contract shall provide for performance of the title III architect-engineer services by contractor's engineering personnel who are not responsible to the contractor's construction personnel, or the title III services shall be performed by another organization selected by the AEC.

PART 9–2—PROCUREMENT BY FORMAL ADVERTISING

5. Section 9–2.102–50, *Policy, cost-type contractor procurement*, is revised to read as follows:

§ 9–2.102–50 Policy, cost-type contractor procurement.

The following sections of AECPR Part 2 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors, Classes A and B, as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices, in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203. There are no provisions in FPR 1–2 which require appropriate treatment in the development of statements of contractor procurement practices.

Section	*Subject*
AECPR:	
9–2.102–51	Cost-type contractor procurement through competitive bids and awards.
9–2.406–50	Mistakes in bids for cost-type contractor procurement before and after award.
9–2.408	Information to bidders.

6. Section 9–2.201, *Preparation of invitations for bids*, is revised to read as follows:

§ 9–2.201 Preparation of invitations for bids.

When an option to increase or decrease the quantities specified is employed, the percentage inserted in the option should not normally exceed 25 percent and in no event shall it exceed 50 percent without prior authorization of the Director of the Headquarters division or office concerned. The following language is suggested for incorporation in invitations for bids:

> The Government reserves the right to increase or decrease the quantity specified in any item of the schedule by ------ percent without change in the unit price, if at any time during the life of the contract such an increase or decrease shall be determined to be in the interests of the Government.

When the contract contains a provision for termination for convenience of the Government, the words "or decrease" in the option may be deleted.

§ 9–2.403 [Deleted]

7. Section 9–2.403, *Recording of bids*, is deleted and reserved.

§ 9–2.407–1 [Deleted]

8. Section 9–2.407–1, *General*, is deleted and reserved.

§ 9–2.407–50 [Deleted]

9. Section 9–2.407–50, *Government estimates*, is deleted.

PART 9–3—PROCUREMENT BY NEGOTIATION

10. Section 9–3.408, *Letter contract*, is revised to read as follows:

§ 9–3.408 Letter contract.

Letter contracts shall contain a provision obligating the parties to enter into a definitive contract within a specified time (preferably within 120 days) or, upon failure to do so, the Government's obligation shall be limited to reimbursement of the contract's costs incurred under the terms of the letter contract through the termination date.

§§ 9–3.802–50, 9–3.802–51 [Deleted]

11. Sections 9–3.802–50, *Preparation for negotiation—architect-engineer and cost-plus-a-fixed-fee construction contracts*, and 9–3.802–51, *Preproposal conferences*, are deleted.

12. Section 9–3.805, *Selection of offerors for negotiation and award*, is revised to read as follows:

§ 9–3.805 Selection of offerors for negotiation and award.

As indicated in FPR 1–3.805–1, the procedures set forth in paragraphs (a), (b), (c), and (d) of FPR 1–3.805–1 may not be applicable in certain cases. See AECPR 9–56 for specific instructions to be followed for selection of contractors by board process.

§ 9–3.950 [Deleted]

13. Section 9–3.950, *Subcontracting by CPFF Prime Construction Contractors*, is deleted and reserved.

PART 9–6—FOREIGN PURCHASES

14. Section 9–6.000–50, *Policy, cost-type contractor procurement*, is revised to read as follows:

§ 9–6.000–50 Policy, cost-type contractor procurement.

The following subparts in FPR 1–6 and in this AECPR 9–6 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203:

Subparts	*Subject*
FPR 1–6.1	Buy American Act—Supply and Service Contracts.
AECPR 9–6.1	Buy American Act—Supply Service Contracts.

§§ 9–6.202—9–6.251 [Deleted]

15. Subpart 9–6.2, Buy American Act—Construction Contracts, is deleted in its entirety.

PART 9–7—CONTRACT CLAUSES

§ 9–7.5007–14 [Deleted]

16. Section 9–7.5007–14, *Termination article for cost-plus-a-fixed-fee construction contracts*, is deleted and reserved.

PART 9–8—TERMINATION OF CONTRACTS

§ 9–8.750 [Deleted]

17. Section 9–8.750, *Termination article for cost-plus-a-fixed-fee construction contracts*, is deleted and reserved.

PART 9–14—INSPECTION AND ACCEPTANCE

18. In § 9–14.5003, *Construction contracts*, paragraph (a) is revised to read as follows:

§ 9–14.5003 Construction contracts.

(a) Inspection services may be performed by the architect-engineer responsible for the design. Inspection services may not be procured from a fixed-price construction contractor with respect to its own work since this would represent self-inspection. Under cost-type contracts where the construction contractor and architect-engineer are the same, some degree of self-inspection may be permitted but shall not constitute final inspection and acceptance by the Government. (See AECPR 9–1.5407(g).)

* * * * *

PART 9–18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

19. New Part 9–18 is added as follows:

Sec.

AUTHORITY: The provisions of this Part 9–18 issued under 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.

§ 9–18.000 Scope of part.

This part implements and supplements the contracting procedures peculiar to construction contracts set forth in FPR 1–18 and also sets forth related AEC requirements for architect-engineer service contracts.

Subpart 9–18.1—General Provisions

§ 9–18.102–1 General.

See also AECPR 9–1.705–3.

§ 9–18.108 Government estimates.

A Government estimate of costs shall also be prepared for construction subcontracts under cost-type contracts. The services of the architect-engineer, operating contractor, or construction contractor will be used as appropriate in the preparation of Government estimates.

§ 9–18.111 Concurrent firm fixed-price and cost-type construction contracts.

See AECPR 9–1.5407(g).

§ 9–18.112 Construction contracts with design architect-engineers.

See AECPR 9–1.5407(g).

§ 9–18.150 Abstracts of construction bids and proposals.

Managers of Field Offices shall submit a copy of the certified abstract of bids or a certified copy of the abstract of proposals to the Director, Division of

Construction for each fixed-price contract and subcontract to be entered into by AEC and its cost-type contractors for construction projects on a formal advertising or an invited proposal basis which is estimated to equal or exceed $250,000 and which will require on-site labor. Each abstract shall be submitted promptly and shall include the Government estimate.

Subpart 9–18.2—Formal Advertising

§ 9–18.203–1 Preparation of invitations for bids.

(a) The following procedure shall be followed in furnishing copies of constructions plans and specifications:

(1) On all invitations, plans and specifications will be available on request to all prospective bidders, including general contractors, subcontractors, and materials and equipment suppliers. Where the cost of reproduction is $10 or more, the charge shall be a minimum of $10 and subject to a maximum of $25, depending upon the size of the project and the number of drawings and the volume of specifications involved. Where the cost of reproduction is less than $10, the Field Office Manager has authority to make distribution at cost of reproduction, or free of charge, as a particular situation dictates.

(2) No refund for the return of plans and specifications will be made except when the invitation is canceled or no award is made under the invitation. Under such circumstances, refund of payments will be made upon return of the plans and specifications in good condition to the issuing office.

(3) Plans and specifications will be issued without charge to such organizations as The Associated General Contractors of America, American Road Builders' Association, Dodge Reports, Blue Reports, Brown's Letters, Inc., and others that maintain public plan display rooms.

§ 9–18.205 Prebid conferences.

See also AECPR 9–1.354.

Subpart 9–18.3—Negotiations

§ 9–18.303 Price negotiation policies and procedures.

See also AECPR 9–1.50 and 9–3.405–5.

§ 9–18.305 Subcontracting policies and procedures.

The provisions of FPR 1–18.305(b) and AECPR 9–59 apply to the procurement of construction services by AEC cost-type contractors.

§ 9–18.306–2 Cost-reimbursement type contracts.

(a) *Conclusion of negotiations.* Architect-engineer letter contracts should also include the basis for determining the fee, which establishes the possible range of fees for the work.

§ 9–18.306–3 Selection of a cost-reimbursement type contractor.

See AECPR 9–56.

§ 9–18.306–50 Preparation for negotiation—architect-engineer and cost-plus-a-fixed-fee construction contracts.

(a) *General.* Before attempting to negotiate a contract, the following information should be prepared:

(1) *Description of the work.* A sufficiently detailed description and cost estimate of the work should be provided to permit an evaluation of services to be performed by the various participants and the degree of complexity of its principal components. For lump-sum A–E contracts, the information as to the work should be in more detail and on a firmer basis, particularly as to estimated costs, than for a CPFF contract. The estimated cost of the component items (including the costs of material and equipment furnished by AEC) and their descriptions, insofar as available, should be included as follows:

(i) Major buildings and other structures for which complete designs and specifications are to be prepared by the architect-engineer, including number and cost of each type, with as much information as is available (within security requirements) as to the functional requirements for such structures.

(ii) Major utilities, including classifications and costs in as much detail as practicable.

(iii) Special equipment to be procured by the operating contractor, construction contractor, or architect-engineer, or furnished by the AEC.

(iv) Special equipment to be designed by the architect-engineer.

(v) Special equipment to be installed by the construction contractor.

(2) *Estimated cost and time for completion.* A statement should be provided indicating total estimated cost of the work exclusive of the construction contractor's fee, and to the extent available identifying labor, material, and indirect costs, and any amount included for contingencies; estimate of cost of architect-engineer services; and estimated time of completion of design or construction work, with an explanation of the basis for establishing the completion schedules.

(b) *Extent of services*—(1) *Architect-engineer contracts.* A written statement should be prepared which gives the extent to which the services of the architect-engineer include any of the services set forth below.

(i) Title I—Provide the necessary topographical and other field surveys, test borings, and other subsurface investigations; prepare preliminary studies, sketches, layout plans, and outline specifications; and prepare reports including estimates of cost of the proposed project and of all structures, utilities, and appurtenances thereto.

(ii) Title II—Provide complete design of the work including preparation of all required preliminary and final working drawings, specifications, estimates, and contract documents; assist in securing, analyzing and evaluating bids or proposals for construction; and consult with the AEC on all questions arising in connection with the services performed by the architect-engineer.

(iii) Title III—Provide complete architect-engineer supervision and inspection of construction under the direction of a responsible representative. Check shop drawings, and furnish record drawings to show construction as actually accomplished.

(iv) Process design. Process design normally requires the preparation of flow diagrams showing each operating step to perform the process; material and heat balances where required; determination of the nature, capacity and design characteristics of production equipment; the general design of connecting flow lines to handle the calculated rates of product and byproduct flow; and schematic layouts.

(v) Procurement of materials and equipment. (Describe fully.)

(vi) Other special services. (Describe fully.)

(2) *Cost-plus-a-fixed-fee construction contracts.* See also FPR 1–18.306–2.

(3) *Cost-plus-a-fixed-fee engineer-constructor contracts.* A written statement should be prepared which gives the extent to which the services of the contractor cover the services set forth in subparagraphs (1) and (2) of this paragraph.

(4) *Procurement of special equipment.* Contracts for procurement services only are rarely used. Procurement of special equipment is generally contracted for in conjunction with CPFF contracts for construction, operating, or architect-engineer services. In special situations, procurement of other equipment and construction materials is also contracted for in conjunction with CPFF contracts for operating or architect-engineer services. The description of procurement services in subdivision (ii) of this subparagraph is applicable to all of these cases.

(i) Special equipment is equipment for which the purchase price is of such a magnitude compared to the cost of installation as to improperly reflect the amount of technical direction and management effort required of the contractor. The determination of the specific items of equipment in this category requires application of judgment and careful study of the circumstances involved for each project. This category of equipment would generally include items such as:

(*a*) Major items of prefabricated process or research equipment.

(*b*) Major items of preassembled equipment such as packaged boilers, gen-

erators, machine tools, and large electrical equipment.

In some cases it would also include special apparatus or devices such as reactor vessels and reactor charging machines.

(ii) Description of procurement services: Procurement as herein considered is an activity involving judgment, knowledge, and experience relating to the manufacture, use or application of the article or process to be purchased. It may include the development or location of sources of supply, and generally includes preparation of bidding documents, solicitation of proposals, analysis of proposals received (including where necessary technical and sometimes complicated evaluation of performance characteristics of the equipment of different manufacturers), inspection at manufacturer's plant as distinguished from inspection supplied under title III services of an architect-engineer contract, and evaluation of production capacities to meet required delivery. Procurement includes necessary coordination with participating contractors and the AEC for especially designed equipment, general and specific expediting, and special assistance to the manufacturers in helping to locate scarce materials and machine tools and in supporting allocations for critical materials where this is a necessary function. Procurement normally includes inspection and receiving upon delivery at the site (this may be a joint activity where the procuring agent is not the constructor) and payment. All on-site physical activities after delivery, including unloading, warehousing, hauling, and installation, are considered a construction activity and not procurement.

(iii) Selection of procuring agent: Coordination, timing, and technical know-how are important factors to be considered in the selection of a procuring agent. The advantages and disadvantages of placing full responsibility in one contractor for construction and procurement, or split responsibility where the procurement is placed under a contract with the architect-engineer or operating contractor, should be evaluated in the light of the above factors.

§ 9–18.307 Negotiations.

See also AECPR 9–3.805–50.

Subpart 9–18.6—Buy American Act

§ 9–18.600 Scope.

This subpart implements Federal Procurement Regulation Subpart 1–18.6.

§ 9–18.602–1 General.

(a) Contracting officers may make the determinations required by FPR 1–18.602–1 (b) and (c).

(b) The General Manager only may make the determination required by FPR 1–18.602–1(a) and may authorize deviations described in FPR 1–18.603–3.

§ 9–18.606 Violations of Buy American Act provisions in construction contracts.

Contracting officers shall make a complete written report (in triplicate) to the General Manager, through Director, Division of Contracts, of each violation of the Buy American Act provisions in contracts for construction. See FPR 1–18.606 and AECPR 9–1.6.

§ 9–18.650 Excepted supplies to be used in the construction, alteration, or repair of any public work.

The following list shall be noted in the specifications:

Antimony.
Asbestos.
Bauxite.
Chrome ore or chromite.
Cobalt.
Cork.
Graphite.
Jute and jute burlaps.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany, and teak.
Mica.
Nickel.
Rubber, crude and latex.
Shellac.
Tin.

Subpart 9–18.50—Rental of Construction Equipment

§ 9–18.5000 Scope of subpart.

This subpart sets forth general policy and instructions relating to rental of construction equipment for use by AEC cost-type contractors.

§ 9–18.5001 General policy.

It is the policy of the AEC:

(a) To use presently owned AEC construction equipment to the fullest extent. Careful investigation shall be made of the equipment available not only at the field office concerned, but at other field offices to determine whether such equipment can be economically utilized on the job. The Director, Division of Contracts, Headquarters, can assist in the investigation of excess equipment available in other offices.

(b) To rent construction equipment, where available, rather than purchase it, unless in the case of third-party-owned equipment, the Field Office determines that accrued rentals on a particular item of equipment will approximate the cost of ownership of it; except, however, individual items of construction equipment having an original cost of less than $1,000 ordinarily should be purchased and not rented. Where it is clearly to the advantage of the Government, items having a cost of less than $1,000 may be rented with the approval of the Manager of the Field Office. Whenever it is practical, cost and other factors considered, contractor-owned equipment shall be rented in preference to renting third-party-owned equipment.

(c) To pay rental for construction equipment at rates not higher than those prevailing in the locality, except under unusual circumstances, and at as low a rate as is consistent with securing modern equipment in good operating condition. Costs of repair, job interruption due to poor equipment, transportation and in-transit rental may well offset any apparent savings in rental rates. Rental paid shall be subject to any Government price ceiling regulations that may be in effect.

§ 9–18.5002 Rental of contractor-owned equipment.

§ 9–18.5002–1 Rental agreement.

The terms and conditions governing rental by the AEC of construction equipment from a prime cost-type construction contractor are set forth in AECPR 9–16.5002–12, Outline of agreement for rental of contractor-owned construction equipment. This form of agreement is designed for use as an appendix to an AEC cost-type construction contract. It may be modified for rental of equipment under other contractual arrangements, such as an operating contractor renting from a cost-type construction subcontractor, and it may be modified for use as a separate contract or as an attachment to a subcontract. Some of the aspects of this agreement to which particular attention should be given are set forth in §§ 9–18.5002–2 through 9–18.5002–9.

§ 9–18.5002–2 Rental period.

The base rental period shall extend from the time the equipment is accepted at the job site until the contractor is notified in writing by the AEC's representative that the equipment is no longer required. Subject to applicable limitations covered in the rental agreement form, the contractor shall be paid rental during the in-transit time and during the time required for equipment repair or replacement prior to return to the contractor.

§ 9–18.5002–3 Rental rates.

(a) Rates for rental of contractor-owned equipment shall be fair and equitable. The rental rates contemplate that the AEC will pay incoming and outgoing transportation costs and rental during in-transit time for both inbound and outbound transportation of equipment; however, terms more favorable to the AEC may be negotiated where appropriate. The rental rates to be paid for the use of contractor-owned equipment under normal conditions should not exceed 65 percent of the rates quoted in the latest edition of the Associated Equipment Distributors' "Compilation of Averaged Rental Rates for Construction Equipment." However, Managers of Field Offices may approve rates in excess of 65 percent of the current A.E.D. schedule when local conditions require higher rates. When it becomes necessary as a general practice to exceed 65 percent of the current A.E.D. schedule, the Manager of the Field Office shall advise the Director, Division of Contracts, Headquarters, explaining the circumstances.

(b) For items of equipment that are not covered by the A.E.D. schedule, use the latest edition of "Contractors' Equipment Ownership Expense" document published by The Associated General Contractors of America, Inc., and information on prevailing local rates for developing rates that would be consistent with the 35 percent reduction in the A.E.D. rates (i.e., taking into consideration the expenses paid by the Government under the rental agreement).

§ 9–18.5002–4 Application of rates.

The rental rates shall be applied in accordance with the following rules:

(a) *Basis of rates.* The rates shall be based upon one shift of 8 hours per day, 40 hours per week, or 176 hours per month of a 30 consecutive-day period.

(b) *Apportionment of rates.* The monthly rate and its pro rata shall apply to all rental periods of 1 month or more. The weekly rate and its pro rata shall apply to all rental periods of 1 week or more up to 1 month. The daily rate and its pro rata shall apply to all rental periods up to 1 week.

(c) *Overtime.* Inasmuch as there are certain elements of cost to an equipment owner which do not change even though the equipment is used on more than one shift per day, it is believed equitable to pay a lower rental rate during a second and third shift than would be paid during a single shift. Therefore, the rental agreement form provides for payment for overtime at a rate equal to one-half the rate for the first shift.

§ 9–18.5002–5 Insurance.

(a) Generally, rental rates should include the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods. The rental agreement for contractor-owned equipment is so worded.

(b) However, if the contracting officer determines that it is not practical to include the cost of such insurance in the rental rates, paragraphs 3(d) and 7(a) shall be amended as indicated in the applicable notes following these paragraphs in AECPR 9–16.5002–12.

§ 9–18.5002–6 Rental limitation.

The rental agreement form provides that when the total amount of rental paid to the contractor for any one unit of equipment equals 75 percent of the mutually agreed value of that unit as set forth in the initial inspection report, the equipment is to remain available for the work under the construction contract as long as it will be required without any further rental payments to the contractor. The rental ceiling of 75 percent of the agreed-upon value of the equipment applies to all rental paid, including rental paid during in-transit time to and from the site of the work and down time for any operating repairs or restoration of the equipment after it is no longer needed at the site. The purpose of this provision is to prevent the Government from paying rental in excess of the contractor's investment, and it is included in lieu of an "option to purchase clause." Once a particular piece of equipment has been released, the contractor will not be required to return it to the job under the original rental period.

§ 9–18.5002–7 Record of negotiation.

The record of negotiation shall set forth the information used to determine the reasonableness of the rental rates, including a breakdown of the contractor's equipment ownership expense similar to that itemized in The Associated General Contractors of America's document, "Contractors' Equipment Ownership Expense."

§ 9–18.5002–8 Responsibility for repair and replacement.

The rental agreement describes the responsibilities of the parties with respect to maintenance and repair necessary to the operation of the rented equipment, or replacement of such equipment. The AEC's responsibility includes repairs resulting from normal wear and tear, provided they were necessary in order to continue the equipment in service. However, when the equipment is no longer required on the job, the extent of the AEC's obligation is only to return the equipment to the contractor in as good operating condition as when received, less normal wear and tear.

§ 9–18.5002–9 Equipment condition and inspection.

(a) *Inspection.* Construction equipment shall be given a rigid and detailed inspection by representatives of the AEC and, at the contractor's option, by representatives of the contractor, before its shipment and acceptance or use on the job. Equipment shall be inspected under actual workloads insofar as practicable. In cases where it is not practical to inspect equipment prior to its shipment to the job site, the contractor should be informed of the extent of inspection and the expected condition of his equipment. In the event the equipment does not meet required standards, the transportation, rental, or any other expenses shall not be paid by the AEC unless at contractor's expense the equipment is repaired to acceptable standards in a reasonable length of time. A similar inspection shall be made immediately prior to scheduled return shipment of an item of equipment.

(b) *Inspection report.* The detailed inspection report shall follow in general AECPR 9–16.5002–14, Outline of inspection report of equipment, and shall be signed by each representative inspecting. The initial inspection report shall be used at the time of release as a basis for determining the repairs necessary to place the equipment in as good operating condition as when accepted, less normal wear and tear. After necessary repairs are completed, a final inspection report shall be completed by representatives of the AEC and, at his option, the contractor.

(c) *Trial period and defects.* If initial detailed inspection discloses that the condition of the equipment is doubtful, arrangements should be made with the contractor for a trial period of operation to prove the equipment, with provision that if equipment is found unacceptable in the trial period, no rental, transportation, or other expenses will be due the contractor. Repairs to equipment which fails in service due to defects not reasonably ascertainable on initial inspection shall be at the contractor's expense.

§ 9–18.5003 Rental of third-party-owned equipment.

§ 9–18.5003–1 Rental agreement.

The terms and conditions governing rental of construction equipment without operators from a third party are in accordance with §§ 9–18.5002–2, 9–18.5002–4, 9–18.5002–8, and 9–18.5002–9, and they are set forth in AECPR 9–16.5002–13—Outline of agreement for rental of third-party-owned construction equipment. Managers of Field Offices shall assure that these terms and conditions are used by AEC cost-type construction contractors and that similar terms and conditions are used by other AEC cost-type contractors or subcontractors in renting construction equipment from a third party. These terms and conditions may be suitably modified to provide for rental of equipment with operators. Some of the aspects of this agreement to which particular attention should be given are set forth below in this section.

§ 9–18.5003–2 Rental rates.

Third-party equipment shall be rented on the basis of competitive bids, rental rates, transportation costs, and other factors being considered. The rental specifications shall be based on the circumstances of a particular case, including the length of rental period, the availability of equipment in certain localities, and the work requirements.

§ 9–18.5003–3 Insurance.

The provisions of AECPR 9–18.5002–5 (a) also apply to the rental of construction equipment from a third party. However, if the contracting officer determines that the rental rates are not to include the cost of insurance or self-insurance covering loss of or damage to the equipment, Articles III(d) and VII(a) of the rental agreement shall be amended as indicated in the applicable notes following these articles in AECPR 9–16.5002–13, Outline of agreement for rental of third-party-owned construction equipment.

§ 9–18.5003–4 Option to purchase equipment.

When accrued rentals on a particular item of equipment will likely approximate the appraised value of equipment and a decision has been made not to purchase in accordance with § 9–18.5001 (b), consideration shall be given to including in the rental agreement an option to purchase the equipment.

PART 9–58—RENTAL OF CONSTRUCTION EQUIPMENT

20. Part 9–58, Rental of Construction Equipment, is deleted in its entirety.

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

Dated at Germantown, Md., this 10th day of April 1969.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
Acting Director,
Division of Contracts.

[F.R. Doc. 69–4479; Filed, Apr. 16, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4592]

[New Mexico 5820]

NEW MEXICO

Withdrawal for National Forest Recreation and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Glorieta Lookout and Picnic Ground

T. 16 N., R. 11 E.,
Sec. 5, lot 7.

Dalton Fishing Site

T. 17 N., R. 12 E.,
Sec 32, lots 5 and 11;
Sec. 33, lot 7.

Panchuela Administrative Site and Campground

T. 19 N., R. 12 E.,
Sec. 27, SE¼SW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, NE¼NW¼SW¼, E½SE¼SW¼, NW¼SE¼SW¼, SE¼SW¼SW¼, and W½SW¼SE¼;
Sec. 34, N½NW¼NE¼, SW¼NW¼NE¼, and N½SE¼NW¼NE¼.

Rowe Mesa Administrative Site

T. 13 N., R. 13 E.,
Sec. 27, SE¼SW¼SE¼ and SW¼SE¼SE¼;
Sec. 34, NW¼NE¼NE¼ and NE¼NW¼NE¼.

Manzanares Administrative Site and Campground

T. 17 N., R. 13 E.,
Sec. 32, S½SW¼NE¼, E½SE¼SW¼, and W½SE¼.

Elk Mountain Lookout and Communication Site

T. 18 N., R. 13 E.,
Sec. 22, S½NW¼SE¼ and N½SW¼SE¼.

Beatty's Administrative Site

Tps. 19 and 20 W., R. 13 E., unsurveyed, Beginning at a point at the junction of the Pecos River and Padre Creek in sec. 31, T. 20 N., R. 13 E., thence N. 63° W., 35 chains; thence S. 27° W., 46 chains, to a point in sec. 6, T. 19 N., R. 13 E.; thence S. 63° E., 36 chains to point of intersection with the Pecos River in sec. 6, T. 19 N., R. 13 E.; thence northeast following the west bank of the Pecos River along its meanders to the point of beginning at the intersection of the Pecos River and Padre Creek, approximately 47.5 chains.

Barillas Peak Lookout

T. 16 N., R. 14 E.,
Sec. 33, SW¼SW¼.

The areas described aggregate 704.72 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4486; Filed, Apr. 16, 1969; 8:45 a.m.]

[Public Land Order 4593]

[New Mexico 6337]

NEW MEXICO

Partial Revocation of Public Land Order No. 2198 of August 26, 1960

By virtue of the authority contained in section 4 of the act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 398d), it is ordered as follows:

1. Public Land Order No. 2198 of August 26, 1960, which withdrew lands for Indian use, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 11 W.,
Sec. 29;
Sec. 33, N½N½, SE¼NE¼, S½NW¼, SW¼, E½SE¼, S½NW¼SE¼, and SW¼SE¼.

The areas described aggregate 1,220 acres in McKinley County.

2. This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), by which the offered lands will benefit a Federal land program.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4487; Filed, Apr. 16, 1969; 8:45 a.m.]

[Public Land Order 4594]

[Sacramento 080021]

CALIFORNIA

Withdrawal for National Forest Roadside Zone

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

A strip of land 200 feet wide on each side of the centerline of Yosemite Highway, California State Highway No. 41 (addition to lands withdrawn by Public Land Order No. 4485 of July 15, 1968), through:

T. 6 S., R. 21 E.,
Sec. 3, lot 1.

The area described contains approximately 8 acres in Madera County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4488; Filed, Apr. 16, 1969; 8:45 a.m.]

[Public Land Order 4595]

[Fairbanks 026761]

ALASKA

Revocation of Public Land Order No. 2548 of December 4, 1961

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 2548 of December 4, 1961, withdrawing the following described lands from sale or disposal for use of the Bureau of Indian Affairs, is hereby revoked:

BETHEL

U.S. Survey No. 3230 A and B, Block 11, lots 4, 5, 6, and 7.

The areas described contain 1.29 acres in the townsite of Bethel, and are designated on the official plat of survey as a Federal Reserve.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4489; Filed, Apr. 16, 1969; 8:45 a.m.]

[Public Land Order 4596]

[Idaho 1511; 1983]

IDAHO

Withdrawal for Administrative Site; Partial Revocation of Administrative Site Withdrawals

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation

under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for an administrative site for the Grays Lake National Wildlife Refuge:

BOISE MERIDIAN

T. 4 S., R. 43 E.,
Sec. 35, S½S½NW¼SE¼NE¼, SW¼SE¼NE¼, W½NE¼SE¼, SE¼NE¼SE¼.

The areas described aggregate 42.5 acres in Bonneville County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. The order of June 18, 1908, and Executive Order No. 2067 of October 28, 1914, withdrawing public lands for use of the Forest Service for a ranger station in connection with administration of the Caribou National Forest, are hereby revoked so far as they affect the lands described in paragraph 1 of this order.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4490; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4597]

[BLM 059129 (La.)]

LOUISIANA

Revocation of Executive Order No. 718

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 718 of December 7, 1907, withdrawing East Timbalier Island, at approximately latitude 29°3″ N., longitude 90°18″ W., as a preserve and breeding ground for native birds, to be known as the East Timbalier Island Reservation, is hereby revoked.

The lands shall not become subject to disposition under the public land laws unless and until it is so provided by an authorized officer of the Bureau of Land Management.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4491; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4598]

[Oregon 3209]

OREGON

Reservation for Constructed Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral laws, nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601, 604), as amended, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532, 533):

WILLAMETTE MERIDIAN

BIG CANYON ROAD NO. N-164

T. 1 N., R. 42 E.,
Sec. 31, SE¼NW¼, NE¼SW¼, and W½SE¼.

A strip of land of variable width, being from 50 feet to 70 feet on each side of the centerline of Big Canyon Road No. N-164 in and through the above subdivisions as shown on a plat filed in the Land Office, Bureau of Land Management, Portland, Oreg.

Containing 11.18 acres in Wallowa County.

2. The withdrawal made by this order shall not preclude agricultural entries, of sales, exchanges or leases under applicable public land laws, or any legal subdivision traversed by any cooperator road constructed on any lands withdrawn by this order: *Provided*, That any such entry, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4492; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4599]

[Oregon 3347 (Wash.)]

WASHINGTON

Withdrawal for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

OLYMPIC NATIONAL FOREST

WILLAMETTE MERIDIAN

Snow Creek Road Rock Pit No. 1

T. 29 N., R. 3 W.,
Sec. 24, A strip of land in the SW¼SE¼ on Snow Creek Road No. 2907.3 near the intersection of Jimmy Come Lately Road No. 2925, with boundaries described as follows:

Beginning at a point 100′ south of the intersection of Roads 2907.3 and 2925 in the SW¼SE¼, sec. 24, thence 545′ on a bearing of N. 01° W., thence 400′ on a bearing of N. 89° E., thence 545′ on a bearing of S. 01° E., thence 400′ on a bearing of S. 89° W. to point of beginning.

Caraco Creek Road Rock Pit No. 1

T. 29 N., R. 4 W. (Protraction approved 9/24/63),
Sec. 23, A strip of land in the NW¼SW¼, with boundaries described as follows:

Beginning at a point approximately 0.92 mile from intersection of Forest Service Roads No. 2926 and No. 2927 along centerline of Road No. 2927 in the NW¼SW¼, sec. 23, thence 620′ on a bearing of S. 30° E., thence 350′ on a bearing of S. 60° W., thence 620′ on a bearing of N. 30° W., thence 350′ on a bearing of N. 60° E. to point of beginning.

The areas described aggregate 9.98 acres in Clallam County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4493; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4600]

[Idaho 1173]

IDAHO

Revocation of Administrative Site Withdrawal

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of March 14, 1927, withdrawing the following described public lands as an administrative site, is hereby revoked:

BOISE MERIDIAN

T. 10 N., R. 23 E.,
Sec. 15, S½NE¼.

Containing 80 acres in Custer County.

The lands are located on the eastern slope of the Lost River Mountains, just below the Challis National Forest boundary.

2. At 10 a.m. on May 16, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 16, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been open to location under the U.S. mining laws, for metalliferous minerals, and to applications and offers under the mineral leasing laws. They will be open to location for nonmetalliferous minerals at 10 a.m. on May 16, 1969.

Inquiries concerning the lands should be addressed to the Manager, Land

Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4494; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4601]

[Oregon 3586 (Wash.)]

WASHINGTON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of May 4, 1934, and May 11, 1934, withdrawing lands for the Columbia Basin Project, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 26 N., R. 28 E.,
Sec. 12, NE¼SW¼.
T. 27 N., R. 29 E.,
Sec. 33, SE¼NW¼.
T. 28 N., R. 29 E.,
Sec. 28, NW¼NW¼;
Sec. 32, NE¼NW¼.
T. 26 N., R. 30 E.,
Sec. 31, SE¼NE¼.

The areas described aggregate 200 acres in Grant County.

2. At 10 a.m. on May 17, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on May 17, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4495; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4602]

[Anchorage 1073]

ALASKA

Partial Revocation of Executive Order No. 5289

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 5289 of March 4, 1930, withdrawing lands not to exceed 40 acres at each of several described places in Alaska for use of the Office of Education, is hereby revoked so far as it affects lands at Old Harbor, latitude 57°10', longitude 152°50'.

The tract has been surveyed as U.S.S. No. 2039, containing 7.66 acres. The plat and field notes of this survey were canceled effective February 27, 1968, and the lands are now part of tract "A" and "B", U.S.S. No. 4793, Townsite of Old Harbor.

Lot 1A, Block 1, Tract A of U.S.S. No. 4793 (1.63 acres) has been quit-claimed to the State of Alaska. The remaining 6.02 acres are subject to disposal only under the townsite laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4496; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4603]

[Oregon 2961]

OREGON

Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of November 17, 1906, April 26, 1907, May 14, 1908, May 21, 1908, November 11, 1908, and November 24, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

WILLAMETTE NATIONAL FOREST

West Boundary Administrative Site

T. 20 S., R. 1 E.,
Sec. 2, lots 3 (SE¼NW¼), 14 (NE¼NW¼), and 15 (NW¼NW¼).

Winberry Administrative Site No. 62

T. 19 S., R. 2 E.,
Sec. 19, lots 11 (NE¼SW¼) and 12 (NW¼SW¼).

Detroit Ranger Station Administrative Site

T. 10 S., R. 5 E.,
Sec. 11, SE¼NW¼ and N½SW¼.

Brock Cabin Administrative Site

T. 20 S., R. 6 E.,
Sec. 2, metes and bounds (N½NE¼).

Bald Mountain Ranger Station Administrative Site No. 22

T. 10 S., R. 7 E.,
Sec. 3, SW¼.

Lava Lake Ranger Station Administrative Site No. 28

T. 13 S., R. 7 E.,
Sec. 18, E½E½SE¼.

Smith Prairie Ranger Station Administrative Site

T. 14 S., R. 7 E.,
Sec. 6, lots 6 (NW¼SW¼) and 7 (SW¼SW¼).

Horse Lake Administrative Site

T. 18 S., R. 7 E.,
Sec. 15, metes and bounds (SW¼SE¼);
Sec. 22, metes and bounds (W½NE¼ and NE¼NW¼).

The areas described aggregate 646.78 acres in Lane, Linn, and Marion Counties.

2. At 10 a.m. on May 17, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4497; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4604]

[Sacramento 076604; Riverside 03782]

CALIFORNIA

Powersite Restoration No. 598; Powersite Cancellation No. 183; Reservoir Site Restoration No. 37; Revocation of Powersite and Reservoir Site Withdrawals in Whole or in Part

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. The Executive orders of September 7, 1917, September 27, 1917, and June 8, 1926, creating Powersite Reserves No. 655 and 656, and Reservoir Site Reserve No. 17 respectively; and the departmental orders of July 7, 1922, July 17, 1924, October 12, 1929, and August 24, 1933, creating Powersite Classification Nos. 45, 80, 240, and 267 respectively, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

POWER SITE RESERVE NO. 655

T. 26 S., R. 32 E.,
Sec. 25, SE¼;
Sec. 36, E½.
T. 27 S., R. 32 E.,
Sec. 1, lots 2 and 3, SE¼NW¼, and SW¼;
Sec. 2, S½;
Sec. 12, NW¼NW¼.
T. 26 S., R. 33 E.,
Sec. 31, lot 1.

POWER SITE RESERVE NO. 656

All portions of the following described lands lying within 50 feet of the centerline of the constructed transmission line of the Kern River Co., as shown on map approved by the Secretary of the Interior on December 28, 1904, and map approved by the Secretary of Agriculture on January 27, 1914, and map accompanying permit granted by the Secretary of Agriculture on August 10, 1905:

T. 26 S., R. 32 E.,
Sec. 25, SE¼SW¼;
Sec. 35, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 36, N½NW¼ and SW¼NW¼.

POWER SITE CLASSIFICATION NO. 45

T. 28 S., R. 30 E.,
Sec. 11, SE¼SE¼;
Sec. 12, SE¼NE¼, S½SW¼, and SE¼;
Sec. 13, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 14, E½ and E½SW¼;
Sec. 15, S½SW¼;
Sec. 16, SE¼SE¼;
Sec. 20, SE¼SE¼;
Sec. 21, E½, E½NW¼, and SW¼;
Sec. 22, N½, N½S½, and SW¼SW¼;
Sec. 23, W½NE¼, SE¼NE¼, NW¼, N½SE¼, and SE¼SE¼;
Sec. 27, NW¼NE¼;
Sec. 28, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 30, W½SE¼;
Sec. 32, N½, N½SW¼, and SW¼SW¼;
Sec. 33, NW¼NW¼.
T. 27 S., R. 31 E.,
Sec. 24, SW¼SE¼;
Sec. 25, S½;
Sec. 26, E½SE¼;
Sec. 28, SE¼SW¼ and SW¼SE¼;
Sec. 32, SE¼NW¼;
Sec. 34, NW¼SW¼SE¼ and S½SE¼SE¼;
Sec. 35, NE¼, N½NE¼SW¼, SE¼NE¼SW¼, S½SW¼SW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 36, W½NW¼.
T. 28 S., R. 31 E.,
Sec. 5, SE¼NE¼ and SW¼SE¼;
Sec. 7, NE¼NE¼, S½NE¼, SE¼SW¼, and SE¼;
Sec. 8, NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, lots 2 and 3, N½NE¼, SW¼NE¼, and E½NW¼.
T. 27 S., R. 32 E.,
Sec. 3, NE¼SE¼ and S½SE¼;
Sec. 10, NE¼, NE¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 11, N½N½, SE¼SW¼, and NW¼SE¼;
Sec. 14, SW¼NW¼ and W½SW¼;
Sec. 15, NW¼ and NW¼SE¼;
Sec. 16, N½NE¼ and NW¼;
Sec. 17, NE¼, NE¼NW¼, S½NW¼, and N½SW¼;
Sec. 18, NE¼SE¼ and S½SE¼;
Sec. 19, NW¼SE¼;
Sec. 20, SW¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 21, N½N½;
Sec. 22, NE¼, N½NW¼, and SE¼NW¼;
Sec. 23, NW¼NW¼.

POWER SITE CLASSIFICATION NO. 80

T. 23 S., R. 32 E.,
Sec. 12, NE¼SW¼ and NE¼SE¼; and
All lands within 50 feet of the marginal limits of the canals, conduits, pole lines, diverting dams, backwater, or other power structures of the Edison Electric Co. as shown on the right-of-way maps approved by the Secretary of Interior June 10, 1905; June 29, 1906; and October 15, 1906, or of its successors in interest within the following tracts:
T. 22 S., R. 32 E.,
Sec. 24, E½NE¼ and SE¼;
Sec. 25, E½;
Sec. 36, SE¼NE¼ and NE¼SE¼.
T. 23 S., R. 32 E.,
Sec. 1, lots 2 and 3, SW¼NE¼, and W½SE¼.
T. 21 S., R. 33 E.,
Sec. 7, NE¼NE¼, W½E½, and SE¼SW¼;
Sec. 18, W½NE¼ and E½W½;
Sec. 19, lot 3 unsurveyed portion;
Sec. 30, unsurveyed portion;
Sec. 31, unsurveyed portion.
T. 22 S., R. 33 E.,
Sec. 6, lots 4, 5, 6, 7, 10, 11, and 12;
Sec. 7, lots 1, 2, 5, 6, and 8;
Sec. 18, lots 2, 3, 4, 5, 6, 7, and 8;
Sec. 30, lots 2, 3, 4, 5, 6, and 8;
Sec. 31, lots 1 and 7, N½NE¼, SE¼NE¼, NE¼SE¼, and S½SE¼.
T. 23 S., R. 33 E.,
Sec. 6, lots 2 and E½SW¼;
Sec. 7, lots 1, 2, and NE¼NW¼.
T. 24 S., R. 33 E.,
Sec. 17, W½SE¼;
Sec. 29, W½NE¼ and NE¼SE¼;
Sec. 33, SE¼.
T. 25 S., R. 33 E.,
Sec. 3, lots 1 and 2, S½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼.

POWER SITE CLASSIFICATION NO. 240

All lands in the following described tracts lying within 20 feet of each side of the constructed transmission line of Southern California Edison Co. as shown on maps, Exhibit A and Exhibit B (revised) filed with its application Visalia 08694, and incorporated in its grant under the act of March 4, 1911 (36 Stat. 1253), issued by the Acting Secretary of the Interior on May 21, 1920:
T. 25 S., R. 29 E.,
Sec. 18, SE¼NE¼.
T. 25 S., R. 31 E.,
Sec. 20, S½SE¼SE¼;
Sec. 21, N½SE¼;
Sec. 22, S½NE¼ and SE¼NW¼.
T. 25 S., R. 32 E.,
Sec. 25, S½SW¼ and SW¼SE¼;
Sec. 36, N½NE¼.
T. 25 S., R. 33 E.,
Sec. 16, E½E½;
Sec. 21, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼;
Sec. 28, N½NW¼;
Sec. 29, NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 30, NE¼SE¼ and S½SE¼;
Sec. 31, NW¼NE¼ and N½NW¼.

POWER SITE CLASSIFICATION NO. 267

T. 26 S., R. 32 E.,
Sec. 25, E½NE¼, SW¼NE¼, NE¼SW¼, and S½SW¼;
Sec. 36, NW¼.

RESERVOIR SITE NO. 17

T. 28 S., R. 29 E.,
Sec. 34, SW¼NW¼ and N½SW¼.
T. 29 S., R. 29 E.,
Sec. 6, fractional NW¼NW¼ and fractional SW¼.
T. 26 S., R. 32 E.,
Sec. 25, E½NE¼, SW¼NE¼, NE¼SW¼, and S½SW¼;
Sec. 36, NW¼.

The areas described aggregate approximately 11,446 acres of private, public and national forest lands in Kern and Tulare Counties.

2. In its order of June 18, 1968 (DA-1080-California), the Federal Power Commission vacated the withdrawals created by the filing for preliminary permits for Power Projects Nos. 550 and 564 so far as such withdrawals affect any of the lands described in paragraph 1 of this order which are not occupied by the Isabella Project of the Corps of Engineers, U.S. Army, as constructed and as proposed for enlargement.

The lands listed in paragraph 1 are either patented, included in other withdrawals for power and other purposes, or have been subject to the general determination of the Federal Power Commission issued April 17, 1922. Some of the lands remain withdrawn subject to existing rights-of-way in power projects under the act of June 10, 1920, supra, and some have been restored subject to the provisions of section 24.

The State has waived the preference right of application for highway rights-of-way or material sites provided by section 24 of the Federal Power Act of June 10, 1920, supra.

3. At 10 a.m. on May 17, 1969, the public land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on May 17, 1969, the national forest lands not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made on such lands.

5. The public and national forest lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4498; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4605]

[I-2376]

IDAHO

Partial Revocation of Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Public Land Order No. 3707 dated June 24, 1965, withdrawing land for an administrative site for the Mountain Home Job Corps Conservation Center, is hereby revoked so far as it affects the following described land:

BOISE MERIDIAN

T. 3 S., R. 7 E.,
Sec. 20, a portion of the NW¼SW¼ described as beginning at a point on the west section line 397.90 feet southerly from the west quarter-section corner, thence southerly along said west section line 660 feet to a point on the northerly right-of-way line of an existing road; thence N. 82°25' E. along said existing northerly right-of-way line 660 feet; thence north 660 feet; thence S. 82°25' W., 660 feet to the point of beginning.

Containing approximately 9.91 acres in Elmore County.

2. At 10 a.m. on May 17, 1969, the land shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that

time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4499; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4606]

[Nevada 051769]

NEVADA

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of August 13, 1934, so far as it withdrew the following described public lands as Air Navigation Site No. 93, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 67 E.,
Sec. 29, SW¼;
Sec. 30, W½NE¼, E½NW¼, S½.

The areas described aggregate 637.33 acres in Lincoln County.

Of these lands, the SW¼SW¼ sec. 29; W½NE¼, E½NW¼, N½NE¼SW¼, E½SW¼NE¼SW¼, SE¼NE¼SW¼, N½NE½SE¼SW¼, SE¼NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, and SE¼, sec. 30 have been patented.

The lands are located north of Pioche, Nev. Topography is moderate to gently sloping bench land. Vegetation consists of black sage and Indian rice grass.

2. At 10 a.m. on May 17, 1969, the public lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The public land has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4500; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4607]

[Oregon 2491 (Wash.)]

WASHINGTON

Partial Revocation of Public Land Orders Nos. 191, 261, and 1273

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 191 of November 1, 1943, and Public Land Order No. 261 of January 24, 1945, withdrawing public lands for use of the War Department for military purposes, as modified by Public Land Order No. 881 of January 30, 1953, which transferred lands from the jurisdiction of the War Department to that of the Atomic Energy Commission, and Public Land Order No. 1273 of March 14, 1956, withdrawing lands for use by the Atomic Energy Commission in connection with its Hanford Operations, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 10 N., R. 27 E.,
Sec. 12, lots 5, 6, 7, and 8, S½SW¼, and SW¼SE¼;
Sec. 14, NE¼NE¼.
T. 10 N., R. 28 E.,
Sec. 18, lots 1, 2, 3, 4, and 6, NW¼NE¼, S½NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 20, N½ and SE¼;
Sec. 28.

The areas described aggregate 2,032.34 acres in Benton County.

The lands are located northwest of Richland, Wash. Topography is level to rolling.

2. At 10 a.m. on May 17, 1969, the lands shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4501; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4608]

[Wyoming 10641]

WYOMING

Withdrawal for Reclamation Project; Revocation of Public Land Order No. 4513

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Buffalo Bill Reservoir of the Shoshone Project:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 104 W.,
Sec. 11, S½SE¼;
Sec. 14, lots 1, 4, and 5.

The areas described aggregate 143.59 acres in Park County.

2. Public Land Order No. 4513 of August 12, 1968, withdrawing lands in secs. 11 and 14, T. 29 N., R. 84 W., for the Buffalo Bill Reservoir, is hereby revoked. The lands are withdrawn for a wildlife refuge, or are nonpublic.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4502; Filed, Apr. 16, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1005-A]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co. Authorized To Operate Over Certain Trackage Abandoned by Tennessee Central Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 10th day of April 1969.

Upon further consideration of Service Order No. 1005 (33 F.R. 12660, 34 F.R. 12) and good cause appearing therefor:

It is ordered, That:

Section 1033.1005 *Service Order No. 1005* (Louisville and Nashville Railroad Co. authorized to operate over certain trackage abandoned by the Tennessee Central Railway Co.) be, and it is hereby, vacated and set aside.

(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 this order shall become effective at 12:01 a.m., April 12, 1969; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and

per diem agreement under the terms of that agreement; and that notice of the order shall 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. 69-4533; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1023, Amdt. 1]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 14th day of April 1969.

Upon further consideration of Service Order No. 1023 (34 F.R. 6281), because substantial disruptions of railroad service because severe floods and certain work stoppages of railroad employees have resulted in extensive delays to freight cars, and other good cause appearing therefor:

It is ordered, That:

Section 1033.1023 *Service Order No. 1023* (Demurrage on freight cars), be, and it is hereby amended by substituting the following paragraph (m) for paragraph (m) thereof:

(m) *Effective date.* This order shall become effective at 7 a.m., May 1, 1969.

Effective date. This amendment shall become effective at 7 a.m., April 15, 1969.

(Secs. 1, 12, 15, 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), 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 copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall 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.*

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Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1079]

[Docket No. AO-295-A19]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Des Moines, Iowa, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed 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)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Des Moines, Iowa, on March 24, 1969, pursuant to notices thereof which were issued March 6, 1969 (34 F.R. 5078) and March 12, 1969 (34 F.R. 5303).

The material issues on the record of the hearing relate to:

1. Diverted milk.
2. Location differentials.

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

1. *Diverted milk.* The limitation on the quantity of milk that may be diverted and pooled during the month should be based on a percentage of total receipts from producers at a pool plant or by a cooperative association rather than the present method of basing it on days of delivery by individual dairy farmers. Such diversions should be limited to 50 percent of the physical receipts at pool plants in the months September–March and 100 percent in the months April–August. Also, the point of pricing diverted milk should be at the plant to which diverted rather than the plant from which diverted.

Presently, in the months of July through March, milk of an individual dairy farmer may be diverted to a nonpool plant as producer milk on no more than the number of days during the month that it is delivered to a pool plant. During the remaining months of the year, unlimited diversions are permitted. Producer milk diverted to a nonpool plant is now considered a receipt at the pool plant from which diverted for pricing purposes. Diverted milk is not now included in the receipts at a distributing plant for determining the pool status of such a plant and no proposal to change this provision was considered at the hearing.

A cooperative association representing about 80 percent of the producers supplying the Des Moines market proposed amending the order. As proposed, a handler who is the operator of a pool plant could divert the milk of any individual producer who has one delivery to a pool plant during the month, without limitation during the other days of such month. The total quantity of diverted milk, however, could not exceed 50 percent in September through April and 75 percent in May through August of receipts at pool distributing plants. Also, the cooperative asked that the point of pricing diverted milk be at the plant of actual receipt.

The diversion privilege is primarily intended to obtain efficiency in the marketing of milk not needed at pool plants for fluid use. Instead of being physically received at the pool plant and then transferred to the nonpool plant, excess milk may be hauled directly from the farms to nonpool plants.

The present system of basing diversions on the number of days an individual producer's milk is actually delivered to a pool plant has the effect of causing each producer's milk to be delivered at least one-half the time to a pool distributing plant, regardless of whether that milk is needed on that number of days or not. This sometimes results in an uneconomical movement of milk. Under the present system, on some days distant milk must be delivered to a pool distributing plant in order to qualify, while at the same time nearby milk is diverted to a manufacturing plant. Basing diversions on a percentage of total deliveries will eliminate this uneconomic movement of particular loads of milk but will require the diverting handler to meet performance standards related to his entire producer milk supply. Requiring each producer to deliver at least 1 day during each month to a pool distributing plant will assure that each producer has a continuing association with the market.

During the months when reserve supplies are greatest, the order should allow for the greatest diversions. It is necessary to provide for diversions of lesser quantity in the other months of the year when most milk regularly associated with the market is needed to supply the Class I needs of the market. Limited diversions must be made during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when plants processing Class I products normally do not operate.

April through August are generally the months of greatest diversion to nonpool plants. In 1968, a quantity of milk representing about one-third of all the milk delivered to pool distributing plants during these 5 months was either transferred or diverted to nonpool plants. In the remaining 7 months, a quantity representing about 16 percent of the milk delivered to pool distributing plants was moved to nonpool plants. Since the need to divert milk varies considerably between different handlers a greater diversion limitation is needed to accommodate the operations of individual handlers. Thus, it is appropriate to permit pool plant handlers during the 5 months of April through August to divert up to 100 percent of the larger of the total quantity of producer milk received at such plant during the current month or the daily average receipts during the previous month, multiplied by the number of days in the current month. During the 7 other months, the quantity of milk that may be diverted should not exceed 50 percent of the receipts at pool plants.

Equivalent percentage limitations should apply to a cooperative acting as a handler on diverted milk. The 50 and 100 percent limitation would be based on the total member producer milk of such cooperative received at all pool plants during the month. The order should provide further that if a cooperative is diverting member milk during the month, then the allowable diversions by proprietary handlers should not include milk of producer members of the cooperative.

Although the proponent cooperative proposed a 100 percent diversion limitation during specified months in its proposal as published in the hearing notice, at the hearing the cooperative revised its proposal to permit a maximum diversion of only 75 percent of receipts at pool plants. Another cooperative opposed the proposed limits on diversions, particularly the further limitation not anticipated in the hearing notice. The 100 percent limitation specified herein will accommodate necessary diversions and, accordingly, it should be adopted.

Diversions in excess of the applicable percentages should not be considered producer milk. Furthermore, the divert-

ing handler should be required to specify the dairy farmers whose milk would not be included as producer milk during the month.

Producer milk diverted to a nonpool plant should be priced at the location of the plant to which diverted. Presently, the producer milk that is diverted during certain months is priced f.o.b. the pool plant from which diverted. Much of this milk is diverted to manufacturing plants located nearer to the farms than is the pool plant at which the milk is priced. Consequently, the hauling cost on such diverted milk is reduced. Pricing the milk at the plant from which diverted nevertheless allows the diverting handler the greater cost of delivery as if such milk were moved to the market.

A handler who operates a plant located in Ottumwa (Southeast Iowa) receives his milk supply from a dairy farmer cooperative which operates a manufacturing plant located in Cresco (Northeast Iowa). The distance from Cresco to Ottumwa is approximately 200 miles. These producers' farms are located in the area around Cresco. When the milk from these dairy farmers is not needed at the Ottumwa plant, it is diverted to the nearby manufacturing plant in Cresco thus saving the extra hauling cost for delivery to Ottumwa.

Based on the location adjustments recommended in this decision, if this milk were priced at the plant to which it is diverted, the price would be 28 cents per hundredweight less than the price applicable when it is received f.o.b. Ottumwa. The rate quoted by a hauling firm for transporting milk in bulk tank loads from Cresco to Ottumwa is 29 cents.

During the flush production months of May and June 1968, pricing diverted milk at the plant from which diverted reduced the pool fund approximately $9,000 per month according to estimates made by proponents. Pricing milk at the plant to which diverted will end this practice whereby the pool fund is reduced by the transportation allowance on milk that is not shipped to the market. In addition to the saving to the pool fund, the change will remove an uneconomic incentive which now exists to associate milk with the market primarily for the purpose of manufacturing such milk. Milk used in manufacturing is obtained in these circumstances at a price subsidized by hauling charges for costs on diverted milk which are not incurred. In view of the amount of money involved during the months of May and June, it is important that this issue be considered promptly.

The order presently contains the diversion provisions in the "Approved milk" definition. The diversion provisions contained in the attached order amendments refer to diversions from pool plants and describe "Producer milk" as the milk from dairy farmers that is subject to the pricing provisions of the order. The term "Approved milk" should be deleted and all references in the order to that term should be revised to refer to "Producer milk."

2. *Location differentials.* The order should be amended by deleting, except for plants located in Boone and Story Counties, Iowa, the minus 10-cent location adjustment applicable at plants located outside Polk County. Also, the location adjustment should be amended to use only the city halls in Des Moines and Ottumwa, Iowa, as basing points for determining mileages to plants located outside the marketing area.

Presently, the order establishes a 10-cent lower price on milk received from producers at plants located outside Polk County, Iowa. An additional 10 cents is deducted on milk received at plants located 60 to 75 miles from the nearer of the post offices in Corydon, Creston, Des Moines, Grinnell, Jefferson, or Ottumwa, Iowa, and such price is reduced an additional 1.5 cents for each 10 miles or fraction thereof such distance exceeds 75 miles.

A cooperative association which represents about 80 percent of the Des Moines market producers proposed the deletion of the 10-cent location adjustment at plants located outside Polk County, Iowa, except as it applies to plants in Boone and Story Counties, Iowa, and using only Des Moines as a basing point for determining mileages. A handler who operates a distributing plant regulated under the Greater Kansas City order testified in favor of this proposal.

Two handlers who operate plants located in Ottumwa, Iowa, opposed the deletion of the minus 10-cent location adjustment. They stated that they compete extensively with handlers regulated under the Cedar Rapids-Iowa City or Quad Cities-Dubuque orders, both of which markets have a 5-cent lower Class I price at the locations of the competing handlers' plants.

The milk supply for the Des Moines market is expanding in northeast Iowa and in the States of Minnesota and Wisconsin. In December 1968 there were 1,198 producers supplying the Des Moines market, 191 more than the 1,007 producers in December 1967. Forty-six of these new producers are located in Wisconsin, 25 in Minnesota, and in the State of Iowa 30 are in Delaware County and 25 in Dubuque County. In 11 other northeastern Iowa counties an additional 50 producers were added to the Des Moines market. Only 15 of the new producers coming on the market in this period came from outside this northeastern Iowa, Minnesota, and Wisconsin area.

The metropolitan area surrounding Des Moines, Iowa, is the largest population center in the marketing area, but Ottumwa is another important population center. Ottumwa is about 85 miles southeast of Des Moines. One of the two handlers who operate plants in Ottumwa purchases his milk from a cooperative association located in Cresco, Iowa. In the same general northeastern Iowa area there are producers who deliver their milk to handlers in Des Moines. This northeastern Iowa area is about the same distance from Ottumwa as from Des Moines. Thus, the cost of transporting milk from producers' farms in this area to Ottumwa is about the same as it is to Des Moines. Unless the Class I and producer price of milk at Ottumwa is as high as the Des Moines price, producers will prefer delivery to Des Moines rather than Ottumwa.

Heretofore, producers delivering to one of the plants at Ottumwa have collected the price applicable at Ottumwa on milk diverted to a northeastern Iowa manufacturing plant at some saving in hauling cost to them. This saving in hauling cost has offset to some extent the fact that their price has been 10 cents less at Ottumwa. With milk priced at the plant to which diverted, as proposed in this decision, such offsetting compensation will not be available.

The two Ottumwa handlers stated that they have substantial competition with an Iowa City handler regulated under the Cedar Rapids-Iowa City order and a handler located in Cedar Rapids but regulated under the Quad Cities-Dubuque order. These two other order handlers have a Class I price five cents lower than the Ottumwa price. The Ottumwa handlers stated that increasing their price 10 cents would give the two other order handlers a 15-cent competitive price advantage.

It is about 85 miles from Ottumwa to Iowa City and 100 miles from Ottumwa to Cedar Rapids. A reasonable allowance for transporting milk is generally recognized to be about 1.5 cents per hundredweight per 10 miles hauled. At that rate it would cost about 13 to 15 cents to transport milk to Ottumwa from these two cities. This transportation cost corresponds very closely with the 15 cents higher Class I price which will prevail in Ottumwa as a result of this decision to eliminate the 10-cent location adjustment.

Handlers opposing the elimination of the 10-cent location adjustment stated that they also compete with a Chicago Regional handler located in Whitewater, Wis. This Chicago handler distributes milk in Ottumwa and surrounding territory. The Class I price under the Chicago order at Whitewater would be 27 cents per hundredweight less than the Des Moines order price as adopted herein at Ottumwa. It is about 280 miles from Whitewater, Wis., to Ottumwa. At 1.5 cents per 10 miles distance, it would cost about 42 cents to transport a hundredweight of milk this distance. Thus, the Chicago Regional handler's price plus transportation cost would exceed the Ottumwa price by 15 cents.

The minus 10-cent location adjustment should continue to apply at plants located in Boone and Story Counties, Iowa. These two counties are in the northern tier of counties included in the marketing area and are nearest to the alternative milk supplies in northeastern Iowa and Minnesota.

Ames is the major distribution center in Story County and two handlers have plants located there. Ames is less than 40 miles from Marshalltown, Iowa, in the North Central Iowa marketing area. A handler regulated under the North Cen-

tral Iowa order located at Marshalltown distributes milk in Ames. The Class I price under the North Central Iowa order at Marshalltown is 5 cents lower than the present Des Moines order price at Ames. Again, using the 1.5-cent transportation allowance per 10 miles, it would only cost 6 cents to transport milk to Ames from Marshalltown.

A similar situation exists with respect to handlers located in the city of Boone in Boone County who compete with a Fort Dodge handler who also is regulated under the North Central Iowa order. Fort Dodge is about 50 miles from Boone. This distance would support a transportation allowance of 7.5 cents. The Class I price at Fort Dodge under the North Central Iowa order is 10 cents less than the Des Moines price at Boone.

Since the present location adjustment results in appropriate alignment of prices at plants located in Boone and Story Counties, Iowa, with competing plants outside the Des Moines area, it should be retained.

The location adjustment at a plant located outside the marketing area should be based on the shortest highway mileage distance from such plant to the nearer of the post offices at Des Moines or Ottumwa. These two cities are the principal distribution centers in the marketing area. They are about equally distant from the northern Iowa, Minnesota, and Wisconsin supply area.

Under the present order if milk were priced at a plant located in Cresco, Iowa, a location adjustment measured from Grinnell of 30.5 cents would apply. As a result of this decision, the Cresco location adjustment would be measured from Des Moines and would be minus 28 cents. Since Cresco is closer to Grinnell than it is to Des Moines, changing the basing point would lower the price at Cresco 7.5 cents. However, by also deleting the minus 10-cent location adjustment now applicable to plants outside Polk County, the net increase at Cresco would be 2.5 cents.

Producers recommended that the price relationship between Carroll County, Iowa, and the city of Des Moines be maintained. They testified that two handlers located in the city of Carroll in Carroll County are regulated under the Nebraska-Western Iowa order. The Class I price under the Nebraska-Western Iowa order is 5 cents higher at Carroll than the Des Moines price. They expressed concern that if the Des Moines price were to be lowered at Carroll as a result of this decision, it might provide an incentive for these two handlers to become regulated under the Des Moines order. Presently, neither of these handlers have any sales in the Des Moines market.

The city of Carroll, Iowa, is located about 27 miles west of Jefferson, Iowa (one of the present basing points). Therefore, a plant located in Carroll presently has a price 10 cents below the Des Moines price. Carroll is 88 miles from Des Moines and as a result of this decision the location adjustment would be minus 13 cents. This slight change in the price applicable at Carroll is not sufficient to disturb the alignment of prices between these markets.

Entire order reissued. Because of the extensive changes in order terminology which are required by the substantive amendments herein proposed, the entire order should be reissued.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Des Moines, Iowa, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

MISCELLANEOUS PROVISIONS

Sec.
1079.100 Separability of provisions.
1079.101 Agents.

AUTHORITY: The provisions of this Part 1079 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1079.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1079.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1079.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1079.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1079.5 Cooperative Association.

"Cooperative association" means any cooperative marketing association which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1079.6 Des Moines, Iowa, marketing area.

"Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1079.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received by a handler as producer milk.

§ 1079.8 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1079.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1079.10.

§ 1079.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1079.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1079.12 Handler.

"Handler" means: (a) Any person in his capacity as the operator of one or more pool plants, (b) any cooperative association with respect to the milk of producers diverted by the association for the account of such association from a pool plant to a nonpool plant, or (c) any person as the operator of a partially regulated distributing plant.

§ 1079.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants.

§ 1079.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer. *Provided*, That milk diverted under the conditions set forth in paragraphs (a), (b), and (c) of this section from a pool distributing plant to a nonpool plant for the account of either the operator of the pool distributing plant or a cooperative association shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant to which diverted.

(a) A handler pursuant to § 1079.12 (b) may divert for its account without limit during the other days of the month the milk of any member producers whose milk is received at a pool distributing plant for at least one delivery during the month. The total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of its member milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member milk received at all pool distributing plants during the previous month multiplied by the number of days in the current month.

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer other than a member of a co-

operative association which has diverted milk pursuant to paragraph (a) of this section whose milk is received at his pool distributing plant for at least one delivery during the month without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section.

(c) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1079.12(b) in excess of the limits prescribed pursuant to paragraphs (a) and (b) of this section shall not be producer milk and if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk.

§ 1079.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1079.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1079.17 Base zone.

"Base zone" means all the territory within the marketing area except Boone and Story Counties, Iowa.

§ 1079.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1079.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1079.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1079.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1079.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1079.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1079.30 and 1079.31 or payments pursuant to §§ 1079.62, 1079.80, 1079.84, 1079.86, 1079.87, and 1079.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1079.50(b) and the Class I butterfat differential pursuant to § 1079.51(a), both for the current month; and the minimum price for Class II milk pursuant to § 1079.50(c) and the Class II butterfat differential pursuant to § 1079.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price pursuant to § 1079.72, and the butterfat differential pursuant to § 1079.81;

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1079.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1079.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his pool plants, in the detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in or represented by receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by producer milk diverted to nonpool plants pursuant to § 1079.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk on routes in the marketing area; and

(g) Each handler operating a partially regulated distributing plant shall report as required in this section substituting receipts from dairy farmers for receipts of producer milk.

§ 1079.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his plants his producer (or dairy farmer) payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1079.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1079.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market adminstrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1079.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1079.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1079.41 to 1079.46.

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b) (2) of this section; and

(2) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(5) Skim milk and butterfat in shrinkage not in excess of two percent of the receipts of (i) producer milk (except milk diverted to a nonpool plant pursuant to § 1079.14), (ii) fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler, and (iii) fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(6) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1079.42(b) (2).

§ 1079.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Items specified in § 1079.41(b) (5); and

(2) Remaining receipts of other source milk.

§ 1079.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1079.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1079.46(a) (8) and the corresponding step of § 1079.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 7079.46(a)(3) and the corresponding step of § 1079.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1079.46(a) (7) and (8) and the corresponding steps of § 1079.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 150 miles by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa;

(d) As Class I milk, if transferred or diverted from a pool plant in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1079.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded cream disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1079.41.

§ 1079.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and for producer milk diverted to each nonpool plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1079.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1079.45, the market administrator shall determine the classification of producer milk received by each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1079.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Substract from the result the sum of the pounds of skim milk at all such

plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1079.27(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1079.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1079.50 Basic formula and class prices.

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 and plus 20 cents.

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1079.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1079.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 1079.52 Location differentials to handlers.

(a) For producer milk received at a plant located inside the marketing area but outside the base zone or a plant located outside the marketing area and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator, from the post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents. For plants outside the marketing area such price shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition remaining at the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b) in excess of 95 percent of receipts of producer milk at such plant, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1079.53 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price

determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1079.60 Producer-handler.

Sections 1079.40 to 1079.46, 1079.50 to 1079.52, and 1079.80 to 1079.88 shall not apply to a producer-handler.

§ 1079.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1079.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1079.30) and allow verification of such reports by the market administrator.

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1079.30 and 1079.31(b)(1) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1079.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1079.70(e) and a credit in the amount specified in § 1079.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1079.30 and 1079.31(b)(1) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1079.10(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

DETERMINATION OF UNIFORM PRICE

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to §1079.46(a)(10) and the corresponding step of § 1079.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(5) and the corresponding step of § 1079.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(7) and the corresponding step of § 1079.46(b).

§ 1079.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f.o.b. plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1079.70 for all pool plants for which the reports prescribed in § 1079.30 for such month were made, except those in default of payments required pursuant to § 1079.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1079.72(a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1079.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1079.72 Computation of uniform price.

For each month the market administrator shall compute a uniform price for milk of 3.5 percent butterfat content, f.o.b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1079.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1079.70(e); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the uniform price for milk received from producers.

PAYMENT FOR MILK

§ 1079.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform price pursuant to § 1079.72 adjusted pursuant to §§ 1079.81, 1079.82 and 1079.87, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1079.81 Butterfat differentials to producers.

The uniform price pursuant to § 1079.72 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1079.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1079.82 Location differentials to producers.

(a) The uniform price for producer milk pursuant to § 1079.72 received at a pool plant or diverted from a pool plant shall be reduced according to the location of the plant of actual receipt at the rates set forth in § 1079.52.

(b) For purposes of computations pursuant to §§ 1079.84 and 1079.85 the uniform price shall be adjusted at the rates set forth in § 1079.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1079.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1079.62, 1079.84, 1079.85, and 1079.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1079.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1079.70 for such handler; and

(b) The sum of

(1) The amount of the obligation pursuant to § 1079.80 of such handler for producer milk received during the month; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to §1079.70(e).

§ 1079.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.84(b) exceeds the amount computed pursuant to § 1079.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1079.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1079.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1079.84 and 1079.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1079.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1079.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1079.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1079.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1079.46(a) (3) and (7) and the corresponding steps of § 1079.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the months at such plant from pool plants and other order plants.

§ 1079.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1079.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1079.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1079.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1079.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market, administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1079.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1079.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-4561, Filed, Apr. 16, 1969; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Quality Assurance Criteria for Nuclear Powerplants

The Atomic Energy Commission has under consideration an amendment to its regulation, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would add an Appendix B, "Quality Assurance Criteria for Nuclear Power Plants." Nuclear powerplants include structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. The purpose of the proposed amendment is to provide quality assurance requirements for the design, construction, and operation of these structures, systems, and components. These requirements apply to all activities during the design, construction, and operating phases of nuclear powerplants which affect the safety-related functions of such structures, systems, and components.

The development of these criteria has taken into account cooperative Atomic Energy Commission-industry efforts on quality assurance requirements, the experience accumulated in designing, constructing, and operating licensed nuclear powerplants and Commission-owned reactors, and the quality assurance programs required for work under the cognizance of the Department of Defense and the National Aeronautics and Space Administration.

The quality assurance requirements established by these criteria are intended to assure that:

(a) Applicable regulatory requirements and the design bases, as defined in § 50.2 and as specified in the license application, for structures, systems, and components are correctly translated into specifications, drawings, procedures, and instructions.

(b) Systems and components fabricated and tested in manufacturers' facilities conform to these specifications, drawings, procedures, and instructions.

(c) Structures, systems, and components constructed and tested at the nuclear powerplant site conform to these specifications, drawings, procedures, and instructions.

(d) Succeeding activities, such as operating, testing, refueling, repairing, maintaining, and modifying nuclear powerplants, are conducted in accordance with quality assurance practices consistent with those employed during design and construction. In addition to the requirement that operating activities be conducted in accordance with these quality assurance practices, there are other requirements which must be suitably developed and observed to assure safe operation; for example, technical specifications, schedules of maintenance and refueling, fuel management programs, and programs for operator training and qualification.

These quality assurance criteria would supplement Criterion 1 of the "General Design Criteria for Nuclear Power Plant Construction Permits."[1] They are intended to assist applicants (1) to comply with § 50.34(a)(7) which requires inclusion in the preliminary safety analysis report of a description and evaluation of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility, and (2) in the development of managerial and administrative controls to be used to assure safe operation, as required by § 50.34(b)(6)(ii). Specific references to the proposed Appendix B, "Quality Assurance Criteria for Nuclear Power Plants," would be added to § 50.34 (a) and (b).

These criteria will also be used for guidance in evaluating the adequacy of the quality assurance programs in use by holders of construction permits and operating licenses.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who wish to submit comments or suggestions in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. In § 50.34, paragraphs (a)(7) and (b)(6)(ii) are amended to read as follows:

§ 50.34 Contents of applications: technical information.

(a) *Preliminary safety analysis report.* Each application for a construction permit shall include a preliminary safety analysis report. The minimum information[2] to be included shall consist of the following:

* * * * *

(7) A description and evaluation of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility. Appendix B, "Quality Assurance Criteria for Nuclear Power Plants," sets forth the requirements for quality assurance programs for nuclear power plants.

* * * * *

(b) *Final safety analysis report.* Each application for a license to operate a facility shall include a final safety analysis report. The final safety analysis report shall include information that describes the facility, presents the design bases, and the limits on its operation, and presents a safety analysis of the structures, systems, and components and of the facility as a whole, and shall include the following:

* * * * *

(6) The following information concerning facility operation:

* * * * *

(ii) Managerial and administrative controls to be used to assure safe operation. Appendix B, "Quality Assurance Criteria for Nuclear Power Plants," sets forth the requirements for such controls for nuclear powerplants.

* * * * *

2. A new Appendix B is added to read as follows:

APPENDIX B—QUALITY ASSURANCE CRITERIA FOR NUCLEAR POWERPLANTS

Introduction. Every applicant for a construction permit is required by the provisions of § 50.34 to include in its preliminary safety analysis report a description and evaluation of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility. Every applicant for an operating license is required to include, in its final safety analysis report, information pertaining to the managerial and administrative controls to be used to assure safe operation. Nuclear powerplants include structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. This appendix establishes quality assurance requirements for the design, construction, and operation of those structures, systems, and components. These requirements apply to all activities affecting the safety-related functions of those structures, systems, and components; these activities include designing, purchasing, fabricating, handling, shipping, storing, cleaning, erecting, installing, inspecting, testing, operating, maintaining, repairing, refueling, and modifying.

As used in this appendix, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to the physical characteristics of a material, structure, component, or system which provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

I. ORGANIZATION

The applicant[3] shall be responsible for the development, implementation, and execution of the quality assurance program. The applicant may delegate to other organizations the establishment and execution of the quality assurance program, or any part thereof, but shall retain responsibility therefor. The authority and duties of persons and organizations performing quality assurance functions shall be clearly established and delineated in writing. Such persons and organizations shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. In general, assurance of quality requires management measures which provide that the individual or group assigned the responsibility for checking, auditing, inspecting, or otherwise verifying that an activity has been correctly performed is independent of the individual or group directly responsible for performing the specific activity. The applicant shall regularly review the status and adequacy of the quality assurance program. Management of other organizations participating in the quality assurance program shall regularly review the status and adequacy of that part of the quality assurance program which they are executing.

II. QUALITY ASSURANCE PROGRAM

The applicant shall establish at the earliest practical time a quality assurance program which complies with the requirements of this appendix. This program shall be documented by written policies, procedures, and instructions and shall be carried out throughout plant life. The applicant shall identify the structures, systems, and components to be covered by the quality assurance program and the major organizations participating in the program, together with their designated functions. The quality assurance program shall provide control, by means such as design review, verification, inspection, and documentation, over activities affecting the quality of the identified structures, systems, and components, to an extent consistent with their importance to safety. Activities affecting quality shall be accomplished under this program in accordance with instructions, procedures, or drawings of a type appropriate to the circumstances and under suitably controlled conditions. Controlled conditions include the use of appropriate equipment, suitable working environment, adequate cleanliness, and assurance that all prerequisites for the given operation have been satisfied. The program shall take into account the need for special controls, processes, test equipment, tools, and skills to attain the required quality; the need for verification of quality by inspection and test; and the need for indoctrination and training of personnel to execute the program.

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[1] The General Design Criteria were published for public comment as a proposed amendment to 10 CFR Part 50 in the FEDERAL REGISTER on July 11, 1967 (32 F.R. 10213).

[2] The applicant may provide information required by this paragraph in the form of a discussion, with specific references, of similarities to and differences from, facilities of similar design for which applications have previously been filed with the Commission.

[3] While the term "applicant" is used in these criteria, the requirements are, of course, applicable after such a person has received a license to construct and operate a nuclear powerplant. These criteria will also be used for guidance in evaluating the adequacy of quality assurance programs in use by holders of construction permits and operating licenses.

III. DESIGN CONTROL

Measures shall be established to assure that applicable regulatory requirements and the design basis, as defined in § 50.2 and as specified in the license application, for those structures, systems, and components to which this appendix applies are correctly translated into specifications, drawings, procedures, and instructions. These measures shall provide for the performance of design reviews by individuals or groups other than those who performed the original design, but who may be from the same organization. In addition to verification of the design, the applicant shall be responsible for assuring that the design is correctly described in the license application and that the contents of the safety analysis reports are accurate. Design reviews shall cover items such as the following: reactor physics, stress, thermal, hydraulic, and accident analyses; compatibility of materials and of design interfaces; accessibility for inservice inspection, maintenance, and repair; and delineation of acceptance criteria for inspections and tests. Reports of in-process and final design reviews shall be reviewed by management of the responsible design organizations. Design changes, including field changes, shall be approved by the organization that performed the original design unless the applicant specifically designates another responsible organization. Procedures shall be established among participating design organizations for the review, approval, release, distribution, and revision of documents involving design interfaces.

IV. PROCUREMENT DOCUMENT CONTROL

Measures shall be established to assure that applicable regulatory requirements, design bases, and other requirements which are necessary to assure adequate quality are suitably included or referenced in the documents for procurement of material, equipment, and services, whether purchased by the applicant or by its contractors or subcontractors. To the extent necessary, procurement documents shall require contractors or subcontractors to provide a quality assurance program consistent with the quality assurance requirements of this appendix.

V. INSTRUCTIONS, PROCEDURES, AND DRAWINGS

Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances. Instructions, procedures, and drawings shall include appropriate quantitative or qualitative means for determining that important operations have been satisfactorily accomplished.

VI. DOCUMENT CONTROL

Measures shall be established to control the issuance of documents, such as instructions, procedures, and drawings, including changes thereto, which prescribe all activities affecting quality. These measures shall assure that documents, including changes, are reviewed for adequacy and approved for release by authorized personnel and are distributed to and used at the location where the prescribed activity is performed. Changes to documents shall be reviewed and approved by the same organizations that performed the original review and approval unless the applicant specifically designates another responsible organization.

VII. CONTROL OF PURCHASED MATERIAL, EQUIPMENT, AND SERVICES

Measures shall be established to assure that all purchased material, equipment, and services, whether purchased directly or through contractors and subcontractors, conform to the procurement documents. These measures shall include provisions, as appropriate, for source evaluation and selection, objective evidence of quality furnished by the contractor or subcontractor, inspection at the contractor or subcontractor source, and examination of products upon delivery. The effectiveness of the control of quality by contractors and subcontractors shall be assessed by the applicant or designee at intervals consistent with the importance, complexity, and quantity of the product or services. Test reports, inspection records, audit reports, certificates, and other evidence of quality shall be used in this assessment, and corrective action shall be taken where indicated.

VIII. IDENTIFICATION AND CONTROL OF MATERIALS, PARTS, AND COMPONENTS

Measures shall be established for the identification and control of materials, parts, and components, including partially fabricated assemblies. These measures shall assure that identification is maintained, either on the item or on records traceable to the item, throughout fabrication, erection, installation, repair, or modification. The measures shall be designed to prevent the use of incorrect or defective items, and items which have not received the required inspections and tests.

IX. CONTROL OF SPECIAL PROCESSES

Measures shall be established to assure that special processes, including welding, heat treating, and nondestructive testing, are controlled in accordance with applicable codes, standards, specifications, criteria, and other special requirements, and are accomplished by qualified personnel using qualified procedures.

X. INSPECTION

A program for in-process and final inspection of activities affecting quality shall be established to assure conformance with documented instructions, procedures, and drawings. Examinations, measurements, or tests of material or products processed shall be performed for each work operation where necessary to assure quality. If inspection of processed material or products is impossible or disadvantageous, indirect control by monitoring processing methods, equipment, and personnel shall be provided. Both inspection and process monitoring shall be provided when control is inadequate without both. Mandatory inspection hold points, which require witnessing or inspecting by the applicant's designated representative and beyond which work shall not proceed without the consent of its designated representative, shall be indicated in appropriate documents.

XI. TEST CONTROL

A test program shall be established to assure that all required testing, including proof testing, acceptance testing, and operational testing, is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents. The test procedures shall include provisions for assuring that all prerequisites for the given test have been met, that adequate test instrumentation is available and used, and that the test is performed under suitable environmental conditions. Test results shall be documented and evaluated to assure that test requirements have been satisfied.

XII. CALIBRATION OF MEASUREMENT AND TEST EQUIPMENT

Measures shall be established to assure that tools, gages, instruments, and other measuring and testing devices used in activities affecting quality are calibrated and properly adjusted at specified periods to maintain accuracy within necessary limits. Calibration shall be against certified measurement standards which have known valid relationships to national standards.

XIII. HANDLING, STORAGE, SHIPPING, AND PRESERVATION

Measures shall be established to provide work and inspection instructions for handling, storage, shipping, and preservation of material and equipment to prevent damage or deterioration. When necessary for particular products, special protective environments, such as inert gas atmospheres, specific moisture content levels, and temperature levels, shall be provided and their existence verified.

XIV. INSPECTION, TEST, AND OPERATING STATUS

Measures shall be established to indicate, by the use of markings such as stamps, tags, labels, routing cards, or other suitable means, the status of inspections and tests performed upon individual items and the status of plant operating equipment. These measures shall provide for the identification of those items which conform to inspection and test requirements; nonconforming items shall be clearly marked for subsequent disposition. Procedures shall be provided for tagging equipment such as valves and switches when necessary to prevent inadvertent operation.

XV. NONCONFORMING MATERIAL, PARTS, OR COMPONENTS

Measures shall be established to control material, parts, or components which do not conform to requirements in order to prevent their inadvertent use or installation. These measures shall include procedures for identification, documentation, segregation, disposition, and notification to affected organizations. Nonconforming items shall be reviewed and accepted, rejected, repaired, or reworked in accordance with documented procedures. Ultimate disposition of nonconforming items shall be documented.

XVI. CORRECTIVE ACTION

Measures shall be established to assure that all conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances, are promptly identified and reported to appropriate levels of management. The measures shall also assure that the cause of the condition adverse to quality be determined and corrected to preclude repetition. The corrective action measures shall extend to the performance of all contractors and subcontractors as necessary. The identification of conditions adverse to quality, the cause of the condition, and the corrective action taken shall be documented.

XVII. QUALITY ASSURANCE RECORDS

Records shall be maintained sufficient to furnish documentary evidence of activities affecting quality for use in the management of the program. The records shall include, but not be limited to, construction and operating logs, and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses. The records shall also include closely-related data such as qualifications of personnel, procedures, and equipment. Inspection and test records shall, as a minimum, identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. Consistent with applicable regulatory requirements, the applicant shall establish requirements concerning record retention, such as duration, location, and assigned responsibility.

XVIII. AUDITS

A comprehensive system of planned and periodic audits shall be carried out to assure compliance with all aspects of the quality assurance program and to determine the

effectiveness of the program. The audits shall be performed in accordance with written procedures or check lists by appropriately qualified personnel not having direct responsibilities in the areas being audited. Audit results shall be documented and reviewed by management having responsibility in the area audited. Followup action, including reaudit of deficient areas, shall be taken where indicated.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of April 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69-4591; Filed, Apr. 16, 1969; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 527]

[Docket No. 69-15]

SHIPPERS' REQUESTS AND COMPLAINTS

Proposed Reporting Requirements

Section 527.4 of General Order 14 (46 CFR Part 527) presently requires each conference and each other body with rate-fixing authority under an approved agreement to file with the Commission by January 31, April 30, July 31 and October 31 of each year a report covering all shippers' requests and complaints received during the preceding 3-month period or pending at the beginning of such period, such report to include certain detailed information further identified in paragraphs (a) to (f) of § 527.4 inclusive.

After a period of more than 3 years of receipts of these reports from parties to rate-making agreements, it has become well established that the continuation of the requirement of quarterly reports of shippers' requests and complaints insofar as two party rate-fixing agreements are concerned may be unnecessarily burdensome. The number of shippers' requests and complaints actually processed pursuant to these two party agreements over a 3-year period has been so minimal as to have little significant effect on the regulatory purposes to be served. To keep the Commission informed in those instances which do arise, it is proposed that the reporting requirement be changed from quarterly to annual.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), notice is hereby given that the Commission proposes to amend Part 527 of 46 CFR, to change the reporting requirements of General Order 14 from quarterly to annual, for all two party rate-fixing agreements. It is proposed that Part 527 be amended by adding at the end of § 527.4 thereof the following sentences:

§ 527.4 Reports.

* * * Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be required to file annual reports under this section in lieu of quarterly reports. Such annual reports shall be filed by January 31 of each year covering all shippers' requests and complaints received during the preceding calendar year or pending at the beginning of such calendar year.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary Federal Maritime Commission, Washington, D.C. 20573, within ten (10) days of publication of this notice in the FEDERAL REGISTER, an original and fifteen (15) copies of their views or comments pertaining to the proposed rule. Any suggestions for changes in the proposed rule should be supported by statements relating the proposed change to the purposes of section 15 of the Shipping Act, 1916, and General Order 14, of the Commission's rules.

The Federal Maritime Commission, Office of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments within ten (10) days from the final date for filing comments by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsels' replies shall be submitted to the Federal Maritime Commission within 10 days of the final date for filing replies.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-4549; Filed, Apr. 16, 1969; 8:50 a.m.]

[46 CFR Part 528]

[Docket No. 69-14]

SELF-POLICING REQUIREMENTS

Proposed Exclusion of Two Party Rate-Fixing Agreements

Section 528.2 of General Order 7 (46 CFR Part 528) presently requires conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic offshore commerce of the United States, to contain a provision describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the functions and authority of every person having responsibility for administering the system. This section also requires the filing of amendments to all agreements previously approved so as to comply with these requirements.

Under § 528.3, all conferences and carriers subject to the self-policing rules are required to file semiannual reports with the Commission in January and July showing the nature of each complaint received during the preceding 6-month period, the action taken, the nature of the violations found and the penalties or other sanctions imposed.

The self-policing requirements of General Order 7 have been in effect for more than 5 years. While the present order applies to all conferences and rate-fixing groups regardless of membership size under the agreement, the Commission's staff has observed that enforcement of compliance with the order has little, if any, benefit to the regulatory process insofar as two party rate agreements are concerned. In this limited type of agreement, the most effective method of policing of the obligations under it is the resignation or withdrawal of the dissatisfied party, thus resulting in termination of the agreement itself.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), notice is hereby given that the Commission proposes to amend Part 528 of 46 CFR, to except all two party rate-fixing agreements from all of the requirements of General Order 7. It is proposed that a new § 528.4 be added to Part 528 reading as follows:

§ 528.4 Two party rate-fixing agreements.

Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be excepted from all requirements of General Order 7.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within ten (10) days of publication of this notice in the FEDERAL REGISTER, an original and fifteen (15) copies of their views or comments pertaining to the proposed rule. Any suggestions for changes in the proposed rule should be supported by statements relating the proposed change to the purposes of section 15 of the Shipping Act, 1916, and General Order 7, of the Commission's rules.

The Federal Maritime Commission, Office of Hearing Counsel, shall participate in the proceeding and shall file reply to comments within ten (10) days from the final date for filing comments by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsels' replies shall be submitted to the Federal Maritime Commission within 10 days of the final date for filing replies.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-4550; Filed, Apr. 16, 1969; 8:50 a.m.]

[46 CFR Part 537]

[Docket No. 69-16]

CONFERENCE AGREEMENT PROVISIONS RELATING TO CONCERTED ACTIVITIES—MINUTES

Proposed Exclusion of Two Party Rate-Fixing Agreements

Section 537.2 of General Order 18 (46 CFR Part 537) presently requires all pro-

posed conference agreements, agreements between or among conferences and agreements whereby the parties are authorized to fix rates (except leases, licenses, assignments, or other agreements of similar character for the use of marine terminal property or facilities) to contain a provision stating the manner in which the joint business of the parties may be carried out; i.e., full conference meetings, agents', principals', or owners' meetings, telephone or oral polls, or through any other procedure by which the business of the joint parties may be conducted.

Under § 537.3, parties to approved conferences, to joint conference agreements and to other rate-fixing agreements are required to file with the Commission full reports of all meetings describing all matters discussed or taken up at any such meetings. These reports shall also include telephone or personal polls of the membership in those cases where final action is authorized by such methods.

The requirements of General Order 18 have been in effect for more than 3 years. While the present order applies to all conferences and rate-fixing groups regardless of membership size, it has been observed that most, if not all, two party rate-fixing agreements rarely hold regular meetings and most often agree on rates by telephone or oral polls. The complex provisions required in agreements to set forth meeting procedures, and the extensive reporting requirements are far more cumbersome and time-consuming both from the carrier's standpoint and the Commission's surveillance of these requirements than the ultimate regulatory benefit sought to be achieved. All agreed rates under two party agreements will be expeditiously published in the appropriate tariffs making it unnecessary to require compliance with General Order 18.

The exclusion of all two party rate-fixing agreements from the application of General Order 18 can be accomplished by inserting the words "except two party rate-fixing agreements and * * *" at the beginning of the parenthetical clauses contained in §§ 537.2 and 537.3(a).

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), notice is hereby given that the Commission proposes to amend Part 537 of 46 CFR, to except all two party rate-fixing agreements from all of the requirements of General Order 18. It is proposed that §§ 537.2 and 537.3(a) be amended by inserting at the beginning of each parenthetical clause therein the language "except two party rate-fixing agreements and * * *" so that the amended parenthetical clauses in both sections will now read: "(except two party rate-fixing agreements and leases, licenses, assignments or other agreements of similar character for the use of marine terminal property or facilities.)"

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within ten (10) days of publication of this notice in the FEDERAL REGISTER, an original and fifteen (15) copies of their views or comments pertaining to the proposed rule. Any suggestions for changes in the proposed rule should be supported by statements relating the proposed change to the purposes of section 15 of the Shipping Act, 1916, and General Order 18, of the Commission's rules.

The Federal Maritime Commission, Office of Hearing Counsel, shall participate in the proceeding and shall file reply to comments within ten (10) days from the final date for filing comments by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsels' replies shall be submitted to the Federal Maritime Commission within 10 days of the final date for filing replies.

By the Commission

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-4551; Filed, Apr. 16, 1969; 8:50 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1286]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 11, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

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

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

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

No. MC 1124 (Sub-No. 219), filed March 27, 1969. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. 77001. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, including *classes A and B explosives* (except commodities in bulk and household goods as defined by the Commission), when moving (1) on Government bills of lading and (2) on commercial bills of lading containing endorsements approved in interpretation of Government Rate Tariff-Eastern Central, 322, I.C.C. 161, 164, and 165, between Louisiana Ordnance Plant at Doyline, La., on the one hand, and, on the other, Anniston Ordnance Depot, Anniston, Ala.; (2)(a) *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation); and (b) *ammunition* not included in classes A, B, and C explosives and *component parts of ammunition and classes A, B, and C explosives*, between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Military Installations at Flagstaff and Yuma, Ariz., and Herlong, Concord (Port Chicago), Sharp General Depot, and Stockton, Calif.; (3)(a) *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation); and (b) *ammunition* not included in classes A, B, and C explosives and *component parts of ammunition and classes A, B, and C explosives*, between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Red River Army Depot and Lone Star Ordnance Plant Site, Defense, Tex.; and (4)(a) *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation); and (b) *ammunition* not included in classes A, B, and C explosives, between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Military Installations at Fort Sill and McAlester (Savanna), Okla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2368 (Sub-No. 22), filed March 7, 1969. Applicant: BRALLEY-WILLETT TANK LINES, INC., Post Office Box 495, Richmond, Va. 23204. Applicant's representative: E. Stephen Heisley, Suite 705, McLachlen Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except cement, limestone, and limestone products, in tank vehicles), between points in Virginia. NOTE: Applicant states it will tack with MC 2368 Sub 20 to enable service to points in Pennsylvania, Virginia, Georgia, South Carolina, North Carolina, Illinois, Tennessee, West Virginia, Virginia, Maryland, Delaware, Connecticut, Maine, Massachusetts, New Hampshire, New York, and New Jersey. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8973 (Sub-No. 14), filed March 18, 1969. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and composition boards, and articles* used or useful in the installation thereof (except commodities in bulk), from Edgewater and Carteret, N.J.; Philadelphia, Pittston, and Sunbury, Pa.; and New York, N.Y.; to points in Tennessee, West Virginia, Kentucky, Mississippi, Alabama, Arkansas, Ohio, Indiana, Michigan, Illinois, and Louisiana; (2) *composition boards and articles* used or useful in the installation thereof (except commodities in bulk), from Deposit, N.Y., to points in Indiana and Michigan; and (3) *returned shipments* of the commodities in (1) and (2) above, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

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

No. MC 10955 (Sub-No. 12), filed March 26, 1969. Applicant: RENNER MOTOR LINES, INC., 622 West Waterloo Road, Akron, Ohio 44314. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber products manufacturers; (a) from Blaine, Ohio, to points in West Virginia, Pennsylvania, Maryland, and the District of Columbia; (b) from points in Pennsylvania on and east of a line beginning at a point on Lake Erie due north of North East, Pa., and extending to North East, thence along Pennsylvania Highway 89 to Titusville, Pa., thence along Pennsylvania Highway 8 to Butler, Pa., thence along Pennsylvania Highway 356 to junction of Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Greensburg, Pa., and thence along U.S. Highway 119 to the Pennsylvania-West Virginia line, to Blaine, Ohio; (2) *rubber tires and tubes* from points in West Virginia, Maryland, Pennsylvania, and the District of Columbia, to Blaine, Ohio; (3) *molds, machinery, and fabric* used in the manufacture of rubber products from Cumberland, Md., to Blaine, Ohio; (4) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Blaine, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it intends to tack the authority sought in (1), (2), and (3) with the authority sought in (4). Applicant further states it presently is authorized to provide all of the service sought herein under its certificates in Docket No. MC 10955, MC 10955 Sub 3, MC 10955 Sub 6, MC 10955 Sub 7, and MC 10955 Sub 11, via a gateway at Akron, Ohio. The purpose of this application is to obtain an alternate gateway at Blaine, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 29867 (Sub-No. 11), filed March 3, 1969. Applicant: NORWICH TRUCKING COMPANY, INC., Box 347, Norwich, N.Y. 13815. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured or distributed by a manufacturer or distributor of drugs, medicines, toilet preparations, and cleaning compounds (except in bulk, in tank vehicles), between Norwich, N.Y., on the one hand, and, on the other, East Syracuse and Syracuse, N.Y., limited to traffic having a prior or subsequent movement by rail; under contract with Norwich Pharmacal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse or New York, N.Y., or Washington, D.C.

No. MC 50069 (Sub-No. 418), filed March 26, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from River Rouge, Mich., to points in New York and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 419), filed March 26, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum oils*, in bulk, in tank vehicles, from Niagara Falls, N.Y., to points in Allegheny, Beaver, Butler, McKean, and Venaga Counties, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59120 (Sub-No. 33), filed March 3, 1969. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of The International Nickel Co., Inc., Huntington Alloy Products Division, located in Boyd County, Ky., on U.S. Highway 23 (approximately 11 miles south of Catlettsburg, Ky.), as an off-route point in connection with applicant's authorized regular-route operations to and from Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 65), filed March 20, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouse*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (1) from the plantsites and/or warehouse facilities of John Morrell & Co., at or near Estherville and Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Missouri, and Nebraska; and (2) from the plantsites and/or warehouse facilities of John Morrell & Co., at or near Madison and Sioux Falls, S. Dak., and Ottumwa, Iowa, to points in Wisconsin. Restriction: The proposed operations to be restricted to traffic originating at the named plantsites and warehouse facilities and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 83217 (Sub-No. 41), filed March 17, 1969. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in section A, B, and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766; (1) from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Estherville, Iowa, to points in Illinois, Indiana, Nebraska, Minnesota, Missouri, Kansas, South Dakota, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (2) from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Ottumwa, Iowa, to points in Minnesota, Illinois, Indiana, Nebraska, Missouri, Wisconsin, Kansas, South Dakota, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (3) from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Sioux Falls, S. Dak., to points in Nebraska, Indiana, Wisconsin, Missouri, Kansas, and Iowa; and (4) from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Madison, S. Dak., to points in Illinois, Missouri, Kansas, Minnesota, Nebraska, Indiana, Wisconsin, and Iowa. Restriction: The authority sought is to be restricted to the transportation of the commodities named originating at the plantsites and/or warehouse of John Morrell & Co. located at or near Ottumwa, Iowa, Estherville, Iowa, Sioux Falls, S. Dak., and Madison, S. Dak., and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 83539 (Sub-No. 245), filed March 24, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex.

75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Low speed motor vehicles* not suitable for general highway transportation; and (2) *accessories, attachments, and parts* when moving in connection therewith, from the plantsite of Ottowa Steel Products, Ottowa, Kans., to points in the United States (except Alaska, Hawaii, and Kansas). NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 94350 (Sub-No. 206) (Amendment), filed December 2, 1968, published in the FEDERAL REGISTER issue of December 28, 1968, and republished as amended this issue. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and *portable buildings*, in sections, traveling on their own or removable undercarriages, with hitchball connector, from points in Marion County, Oreg., to points in the United States on and west of a line begininng at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (excluding Hawaii). NOTE: This republication is for the purpose of reflecting an addition to the commodity description. If a hearing is deemed necessary, application requests it be held at Portland, Oreg.

No. MC 97357 (Sub-No. 26), filed March 24, 1969. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: Charles T. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, in bulk, in tank vehicles, from points in Los Angeles County, Calif., to Yuma, Ariz. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 98945 (Sub-No. 7), filed March 24, 1969. Applicant: THOMAS CARTAGE, INC., 301 North Wilson Street, Amarillo, Tex. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the Amarillo, Tex., commercial zone and Keys, Okla., from Amarillo over U.S. Highway 287 to junction U.S. Highway 56, thence over U.S. Highway 56 to Keys, and return over the same route, serving all intermediate points, and the off-route points of Channing, Hartley, Dalhart, Colen, and the Bureau of Mines Keys Helium Plant, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex.

No. MC 99090 (Sub-No. 8), filed March 17, 1969. Applicant: YATES TRUCK LINES, INC., Maud, Ky. 40042. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rigid polyvinyl chloride pipe*, between the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky., on the one hand, and, on the other, points in Alaska; (2) *materials, equipment, and supplies* used in the manufacture of rigid polyvinyl chloride pipe, between points in the United States, except Hawaii and Alaska, on the one hand, and, on the other, the site of the plant of Universal Pipe and Plastic, Inc., near Springfield, Ky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 100666 (Sub-No. 134), filed March 17, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 71112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products* produced and distributed by manufacturers and converters of paper and paper products, and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities which because of size or weight require the use of special equipment), (a) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and (b) between points in Portage and Wood Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103490 (Sub-No. 64), filed April 1, 1969. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate*, in bulk, from Reynolds, Pa., to points within 5 miles of Marbletown, N.Y. NOTE: Applicant holds contract carrier authority under MC 125709, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 104004 (Sub-No. 180), filed March 24, 1969. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 69-20 Fresh Pond Road, Ridgewood, N.Y. 11227. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading), serving the Sequoyah Nuclear Power Plant of the Tennessee Valley Authority near Daisy, Tenn., as an off-route point in connection with applicant's regular route operations to and from Chattanooga, Tenn. If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Nashville, Tenn.

No. MC 106274 (Sub-No. 10), filed March 26, 1969. Applicant: RAEFORD TRUCKING COMPANY, a corporation, Landis Street, Sanford, N.C. 27330. Applicant's representative: Vaughn S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing*, wooden, in sections, *fence pickets*, wooden; *poles*, wooden; *posts*, wooden; *lumber* (except plywood and veneer); *prefabricated wooden products;* treated or not treated, from points in Chatham, Cumberland, Hoke, and Lee Counties, N.C., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia; and (2) *lumber, preengineered structural products*, laminated or not laminated, treated or not treated, including hardware necessary for erection; *roof decking*, laminated or not laminated, treated or not treated; *prefabricated or machined wooden products*, laminated or not laminated, treated or not treated; *boat docks*, from points in Wake County, N.C., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant indicates tacking at Raeford, N.C., with its present authority to serve points in Calhoun, Charleston, Cherokee, Chester, Chesterfield, Berkeley, Clarendon, Darlington, Dillon, Dorchester, Fairfield, Florence,

Georgetown, Greenville, Greenwood, Horry, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties, S.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C., or Washington, D.C.

No. MC 107295 (Sub-No. 188), filed March 24, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products;* (1) between Baltimore, Md., and points in the United States (except Alaska, Hawaii, and Maryland); and (2) from Pittsfield, Mass., Cortland, N.Y., Jerome, Pa., Kenova, W. Va., and Brooklyn, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it will tack with its MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 189), filed March 27, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702, and Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and accessories*, from Dollar Bay, Mich., to points in Pennsylvania, New Jersey, Virginia, New York, Maryland, Delaware, North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states it intends to tack with MC 109275 where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 107295 (Sub-No. 190), filed March 27, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings, and prefabricated greenhouses*, from Phoenix, Ariz., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it intends to tack with its presently held authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 107496 (Sub-No. 719), filed March 21, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, from Parma, Mo., to points in Arkansas, Illinois, Kentucky, Missouri, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Memphis, Tenn.

No. MC 107558 (Sub-No. 11), filed March 27, 1969. Applicant: ARROW TRANSPORTATION CO., INC., 485 Prospect Street, Pawtucket, R.I. 02904. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., restricted to traffic originating, destined or interlined to, from or at points in Massachusetts, and Rhode Island that applicant is authorized to service. NOTE: Applicant states that the authority sought will be tacked at New York, N.Y., to provide a through service between points in the territory sought herein and points in Massachusetts and Rhode Island that applicant is authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 107839 (Sub-No. 134), filed March 24, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Clovis, N. Mex., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110193 (Sub-No. 166) (Correction), filed February 24, 1969, published FEDERAL REGISTER issue of March 20, 1969, and republished as corrected this issue. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Glens Falls, N.Y., to points in Connecticut, Pennsylvania (except points in Allegheny, Berk, Dauphin, Erie, Indiana, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Northampton, and York Counties), the lower Peninsula of Michigan (except Sturgis and Kalamazoo), and Indiana (except Angola and those Indiana points in the Chicago commercial zone). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to show the word *Sturgis* in lieu of *Sturgin* in the exceptions to the Michigan traffic. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 901), filed March 26, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Process clay*, in bulk, from Paulsboro, N.J., to Philadelphia, Pa., and points in Delaware, Michigan, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110729 (Sub-No. 4), filed March 26, 1969. Applicant: MICHAEL ZALUZNY, Pond Road, Vernon, Vt. 05354. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags and bulk, from Albany, N.Y., to points in Vermont and New Hampshire and Massachusetts and *rejected and damaged shipments*, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.; Springfield, Mass.; or Hartford, Conn.

No. MC 111302 (Sub-No. 51), filed March 24, 1969. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Tampa, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and to Charleston, W. Va., Taft, La., and Texas City, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 113459 (Sub-No. 51), filed March 26, 1969. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials, and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it seeks no duplicating authority. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 344), filed March 17, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and/or warehouse facilities of Swift & Co., at or near Scottsbluff, Nebr., to points in Kentucky, Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114552 (Sub-No. 38), filed March 18, 1969. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, (1) from points in Tucker County, W. Va., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) from Strongsville, Ohio, to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Strongsville, Ohio.

No. MC 116273 (Sub-No. 114) (Correction), filed March 10, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, under No. MC 116773 (Sub-No. 114), and republished, in part, as corrected, this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). This partial republication is for the purpose of reflecting the correct number as MC 116273 (Sub-No. 114), in lieu of MC 116773 (Sub-No. 114), as previously published. The rest of the application remains as previously published.

No. MC 117815 (Sub-No. 143) (Amendment), filed March 10, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Champaign, Ill., on the one hand, and, on the other, points in Iowa, restricted to the transportation of traffic originating at or destined to Champaign, Ill. NOTE: This republication is for the purpose of changing the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 145), filed March 26, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Swift & Co., at or near Glenwood, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, restricted to traffic originating at the named origins. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 118831 (Sub-No. 62), filed March 25, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. 27262. Applicant's representative: E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666 11th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalete*, in bulk, in tank vehicles, from Old Hickory, Tenn., to points in Transylvania County, N.C. NOTE: Applicant states it could join at points in Transylvania County, N.C., to serve points in Virginia, South Carolina, and Georgia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Raleigh, N.C., or Nashville, Tenn.

No. MC 119531 (Sub-No. 113), filed March 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and accessories therefor*, from Gurnee, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant indicates tacking possibilities with its Sub 28 at Massillon, Ohio, to serve points in Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 119567 (Sub-No. 7), filed March 24, 1969. Applicant: F. H. McCLURE AND R. V. ESTELL, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, Idaho 83705. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from points in Ada and Elmore Counties, Idaho, to points in Nevada on and north of U.S. Highway 40 (except points in Washoe County, Nev.); (2) *concrete tanks*, from Boise, Idaho, to points in Churchill, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, and Pershing Counties, Nev.; (3) *sand*, from points in Ada, Boise, and Gem Counties, Idaho, to points in Nevada; and (4) *steel tanks, pipe, and fabricated steel products*, from Boise, Idaho, to points in Churchill, Elko, Humboldt, Lander, Pershing, Washoe, and White Pine Counties, Nev.; also to points in Oregon on U.S. Highway 95. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deeemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 119765 (Sub-No. 16), filed March 24, 1969. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plant or warehouse facilities of Swift & Co. located in Glenwood, Iowa, to points in Kansas, Nebraska, Illinois, Indiana, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Sioux City, Iowa, or Washington, D.C.

No. MC 119777 (Sub-No. 146), filed March 21, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, boxes, bases, crating, veneer, baskets, oak treads, oak risers, oak sills, oak moldings, cardboard cartons, nails, and lumber*, from Belle Plaine, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio. NOTE: Applicant holds contract carrier authority under docket No. MC 126970 Sub 1 and Sub 3, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119895 (Sub-No. 16) (Amendment), filed November 18, 1968, published in FEDERAL REGISTER issues of December 12, 1968, January 16, 1969, and March 13, 1969, and republished as amended this issue. Applicant: INTER-CITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides), and *foodstuffs* when transported with meat and meat products; (1) from Austin, Minn., to Milan, Ill., Lincoln, Nebr., and points in Iowa; (2) from Des Moines, Iowa, to Lincoln, Nebr., and Detroit, Mich.; (3) from Fort Dodge, Iowa, to Lincoln, Nebr., and points in Illinois, Iowa, and Missouri; and (4) between Omaha, Nebr., on the one hand, and, on the other, Fort Dodge, Iowa, and Austin and Owatonna, Minn. Restriction: Service in parts (1), (2), and (4) above is restricted to traffic originating at plantsites and/or warehouse facilities of Geo. A. Hormel & Co., and I. D. Packing Co. and destined to the points and States specified. NOTE: The purpose of this republication is to redescribe commodity description. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119903 (Sub-No. 9) (Correction), filed February 19, 1969, published in the FEDERAL REGISTER issue of March 13, 1969, and republished, as corrected, this issue. Applicant: D. J. WALRAVEN, 2713 Maple Avenue, Rome, Ga. 30161. Applicant's representatives: Alan E. Serby and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk or in bags, from Hanceville, Ala., to points in that part of Georgia on and north of the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties, and on and west of U.S. Highway 441; and points in Knox, Blount, Sevier, and Anderson Counties, Tenn.; and (2) *fertilizer and fertilizer materials*, in bags and in bulk, from Tyner, Tenn., to points in Alabama, under a continuing contract, or contracts, with Cotton Producers Association of Atlanta, Ga., and its affiliates. NOTE: This republication is for the purpose of showing the origin as Tyner, Tex., in lieu of Tyler, Tex., as previously published. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119974 (Sub-No. 25), filed March 21, 1969. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Post Office Box 949, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Glenwood, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Wisconsin, and St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 110525 (Sub-No. 900), filed March 17, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in tank vehicles; (1) from points in Illinois, to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio; (2) from points in Indiana, to points in Illinois, Michigan, Missouri, and Ohio; (3) from points in Iowa, to points in Illinois, Indiana, Michigan, and Ohio; (4) from points in Kentucky, to points in Illinois, Indiana, Michigan, and Ohio; (5) from points in Missouri, to points in Illinois, Indiana, and Iowa; and (6) from points in Ohio, to points in Illinois, Indiana, and Michigan. NOTE: Applicant states it does not intend to tack, and its apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 903), filed March 24, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Tampa, Fla., to points in Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, Tennessee, Charleston, W. Va., Taft, La., and Texas City, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 118989 (Sub-No. 28), filed March 19, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lomira, Wis., to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kentucky, Missouri, Illinois, Indiana, Kansas, Ohio, Pennsylvania, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 121107 (Sub-No. 6), filed March 14, 1969. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., Post Office Box 207, Farmville, N.C. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, from Farmville, N.C., to points in South Carolina, Georgia, Alabama, Mississippi, Louisiana, Delaware, Vermont, and New Hampshire. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 123405 (Sub-No. 24), filed March 26, 1969. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and household pet cages*, loose or in cartons; and *aquarium accessories, supplies, and equipment;* in straight or mixed shipments, from Maywood, Paterson, Saddle Brook, and Mahwah, N.J., to points in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states it

does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123814 (Sub-No. 3), filed March 13, 1969. Applicant: GEORGE A. HALL CARTAGE CO. LTD., 1281 Conde Street, Montreal, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street, Suite 1010, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, in tank vehicles, and *cement* in bags, from ports of entry on the international boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Vermont, and New York; under contract with Ciments Lafarge Quebec Ltee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 124653 (Sub-No. 1), filed March 20, 1969. Applicant: SAFEWAY SYSTEM, INC., 215 Third Street, Newport, R.I. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Rhode Island, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, water, motor, or air. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 124813 (Sub-No. 66), filed March 24, 1969. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa*, from points in Clay and Yankton Counties, S. Dak., to points in Iowa, Minnesota, and Nebraska. NOTE: Applicant holds contract carrier authority under MC 118468 and Subs, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124839 (Sub-No. 1), filed March 18, 1969. Applicant: BUILDERS TRANSPORT, INC., 2500 Emogene Street, Mobile, Ala. 36606. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building, wall, and insulating board, asphalt and asbestos, asphalt and asbestos products and materials, and materials, supplies, and equipment* used in connection with the production and distribution of the foregoing commodities, from the plantsite and warehouses of Johns-Manville Products Corp., Winder, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Tennessee, and Virginia, restricted against the transportation of commodities in bulk, under contract with Johns-Manville Sales Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 126537 (Sub-No. 21) (Amendment), filed February 26, 1969, published in FEDERAL REGISTER issue of March 20, 1969, and republished as amended, this issue. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, Suite 703–706, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inert fuses*, from the plantsite of the Raytheon Co. at Bristol, Tenn., to the U.S. Naval Weapons Station, Yorktown, Va.; (2) *class C explosives*, from the plantsite of the Raytheon Co., Bristol, Tenn., to the plantsite of Northrup Carolina, Inc., at Swannanoa, N.C.; (3) *pallets*, from the U.S. Naval Weapons Station, Yorktown, Va., and the plantsite of Northrup Carolina, Inc., at Swannanoa, N.C., to the plantsite of the Raytheon Co., at Bristol, Tenn.; and (4) *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between the plantsite of American Greetings Corp. near Danville, Ky., on the one hand, and, on the other, Standiford Field, Louisville, Ky. NOTE: Applicant is authorized to operate under MC 129652, therefore dual operations may be involved. Applicant states that in (4) above, tacking would be accomplished at Standiford Field, Louisville, Ky., with the applicant's present authority under certificate MC 126537 (Sub-No. 15), and would permit service between the plantsite of American Greetings Corp. near Danville, Ky., on the one hand, and, on the other, O'Hare Field, Chicago, Ill. The purpose of this republication is to (1) correct authority sought in (2) above and (2) to show tacking information in (4) above. If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 126625 (Sub-No. 8), filed March 19, 1969. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Versailles Pike, Lexington, Ky. 40504. Applicant's representative: Ben M. Combs, Citizens Bank Building, Lexington, Ky. 40507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between points in Boone, Grant, and Fayette Counties, Ky., and Butler County, Ohio, on the one hand, and, on the other, Weir-Cook Airport near Indianapolis, Ind., and James Cox Municipal Airport, Vandalia, Ohio; (2) between the Weir-Cook Airport near Indianapolis, Ind., on the one hand, and, on the other, James Cox Municipal Airport, Vandalia, Ohio, the Greater Cincinnati Airport near Erlanger, Ky., and Blue Grass Field, Lexington, Ky.; and (3) between points in Boone and Grant Counties, Ky., and Butler County, Ohio, on the one hand, and, on the other, the Greater Cincinnati Airport near Erlanger, Ky. Restriction: The service authorized herein is restricted to shipments having an immediately prior or immediately subsequent movement by air. Service between those points is authorized however, of freight that having been booked for shipment by air is unable to be shipped by air because of the shut down or inability of the shipping air line to operate either because of weather, equipment failure, or work stoppages. Such shut down or inability to operate must have continued for at least 6 hours before this authority is operable. NOTE: Applicant states that freight originating in area of existing authority can be tacked at points in Fayette County, Ky., for service to other points in applied for authority herein providing subsequent or prior movement by air. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Cincinnati, Ohio.

No. MC 126838 (Sub-No. 5), filed March 26, 1969. Applicant: EARNEST J. RUSH JR., doing business as CLARENCE F. GUTHRIE HAULING SERVICE, Rural Delivery No. 2, Box 341, Canonsburg, Pa. 15317. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed limestone*, from the facilities of New Castle Lime & Stone Co., Inc., in Mahoning Township, Lawrence County, Pa., to Benwood, the District of Meade and the District of Clay, Marshall County, W. Va.; and (2) *crushed limestone*, from Ashcom and Dry Run, Pa., to Ohio, Marshall, and Brooke Counties, W. Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 126874 (Sub-No. 2), filed March 24, 1969. Applicant: MOBILE EXHIBITS, INC., 1518 South Mayflower Avenue, Monrovia, Calif. 91016. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles,

Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display materials and equipment* in demonstration trailers (except those designed to be drawn by passenger automobiles), between points in the United States (except Alaska and Hawaii), restricted to service with trailers and/or tractors equipped with self-contained power generators and air-conditioning equipment. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127283 (Sub-No. 3) (Amendment), filed February 27, 1969, published in the FEDERAL REGISTER issue of March 20, 1969, and republished, as amended, this issue. Applicant: SILICA SAND TRANSPORT, INC., Routes 47 and 71, Post Office Box 212, Yorkville, Ill. 60560. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from the facilities of Sewanee Silica Co. at or near Sewanee, Tenn., to points in Alabama, Georgia, Kentucky, Indiana, Mississippi, North Carolina, South Carolina, Ohio, and Illinois, under contract with Sewanee Silica Co., a division of Wedron Silica Co. This republication is for the purpose of reflecting Illinois as a destination State. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129645 (Sub-No. 5) (Amendment), filed January 10, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished as amended this issue. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood dimension stock*, from Adams Township, Houghton, Mich., to points in New York, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Alabama, Louisiana, Connecticut, New Jersey, Michigan, Wisconsin, Minnesota, Illinois, Ohio, Indiana, Missouri, Arkansas, California, and Texas. NOTE: Applicant holds contract carrier authority under MC 127093 and Subs thereunder, therefore, dual operations may be involved. This republication is for the purpose of reflecting the origin point as, Adams Township, Houghton, Mich., thereby, broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129998 (Sub-No. 2), filed January 6, 1969. Applicant: HARLEY R. WILLIS AND JOHN H. WILLIS, a partnership, doing business as JOHNNY'S AUTO TRANSPORTERS, 7300 North Villard, Portland, Oreg. 97217. Applicant's representative: Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles* in towaway or driveaway service; (1) between points in Oregon, Washington, Idaho, and Montana; and (2) between points in Oregon, Washington, Idaho, and Montana on the one hand, and, on the other, points in the United States for account of General Motors Acceptance Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133061 (Sub-No. 1), filed March 31, 1969. Applicant: PUBLIC TRANSPORT CORPORATION, Post Office Box 327, Troutman, N.C. 28116. Applicant's representative: John C. Bradley, Suite 618, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Hertford County, N.C., to points in New Jersey and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133065 (Sub-No. 4), filed March 17, 1969. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Mead, Nebr., 68401. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Camper holddowns, spare tire carriers, swing-up bumper steps, truck cab steps, bounce eliminators, snowmobiles with skis or wheels, camper jacks, jack pads, camper dollies, lector drive units, bumper steps, cab steps, brace clamps, and equipment, materials, and supplies* used in the manufacture of the above items, between Wahoo, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Hellstar Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 133368 (Sub-No. 1), filed March 24, 1969. Applicant: WILLIAM A. TONYES, 75 Woodbury Road, Hauppauge, N.Y. 11787. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cookware, electrical appliances, and flatware*, from Hauppauge, N.Y., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., under contract with Century Metalcraft Corp., Los Angeles, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133396 (Sub-No. 1), filed March 26, 1969. Applicant: GRADY DAY 1303 29th Street, Phenix City, Ala. 36867. Applicant's representative: Richard Y. Bradley, Post Office Box 469, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Tennessee, and in the State of Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties, under contract with Bickerstaff Clay Products Co., Inc., Columbus, Muscogee County, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 133397 (Sub-No. 1), filed March 26, 1969. Applicant: GEORGE JENKINS, Post Office Box 873, Phenix City, Ala. 36867. Applicant's representative: Richard Y. Bradley, Post Office Box 469, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Tennessee and in the State of Florida in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties, under contract with Bickerstaff Clay Products Co., Inc., Columbus, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 133434 (Sub-No. 1), filed March 21, 1969. Applicant: CONGRESSIONAL MOVERS, INC., 8901 D'Arcy Road, Upper Marlboro, Md. 20870. Applicant's representative: John H. Blankenship (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Washington, D.C., its commercial zone thereof, points in Prince Georges, Montgomery, Ann Arundel, Charles, and St. Marys Counties, Md., and points in Arlington and Fairfax Counties, Va., restricted to the transportation of shipments moving on the through bill of lading of a freight forwarder operation under the exemption provisions of section 402(b) of the Interstate Commerce Act, as amended, and having an immediately prior or and immediately subsequent out-of-State line-haul movement by motor water, rail, or air and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133539, filed March 10, 1969. Applicant: CHARLES L. PARKS, Ash-

land, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, (1) from Joplin and St. Joseph, Mo., and Lawrence, Kans., to points in Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr.; and (2) from Council Bluffs, Iowa, to points in Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr. NOTE: Applicant states the purpose of the instant application is for the converting of existing contract carrier authority of the applicant to that of a common carrier certificate to handle the same commodities between the same points. Applicant further states in the event the instant application for common carrier authority is granted, the applicant would request that the Commission revoke and cancel the contract carrier authority issued under MC-126311 and MC-126311 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 133562, filed March 17, 1969. Applicant: MERLE JOHNSON, ROY ROBERTS, BASIL ROBERTS, JR., a partnership, doing business as HOLIDAY EXPRESS, Estherville, Iowa 51334. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles* distributed by meat packinghouses as described in sections A, B, and C of appendix I of the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Estherville, Iowa, to points in New Jersey, New York, and Pennsylvania, restricted to traffic originating at the plantsite and/or warehouse facilities of John Morrell & Co., at or near points named above and destined to the named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 133567 (Correction), filed March 17, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, and republished as corrected this issue. Applicant: ARTHUR JOHN McCASHIN, JR., doing business as CAROLINA HORSE TRANSPORTS, Box 296, Clemmons, N.C. 27012. Applicant's representative: A. W. Flynn, Jr., 1006 Wachovia Building, Post Office Box 127, Greensboro, N.C. 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary livestock, and in connection therewith, *personal effects of attendants, and supplies and equipment used in the care of exhibition of such animals*, between points in North Carolina, South Carolina, and Georgia. NOTE: The purpose of this republication is to reflect South Carolina as one of the States to be served. If a hearing is deemed necessary, applicant requests it be held at Charlotte, Greensboro, or Raleigh, N.C.

No. MC 133571 (Amendment), filed March 18, 1969, published FEDERAL REGISTER issue of April 4, 1969, amended and republished as amended this issue. Applicant: NESTLERODE TRUCKING CO., INC., 615 West Walnut Street, Lock Haven, Pa. 17745. Applicant's representatives: Harry H. Frank and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cattaraugus and Allegany Counties, N.Y., to points in Cameron, Elk, McKean, and Potter Counties, Pa. NOTE: The purpose of this republication is to show the origin point of Cattaraugus County in lieu of Cattarauguo County as previously published. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133590, filed March 24, 1969. Applicant: WESTERN CARRIERS, INC., 529 Westchester Avenue, Bronx, N.Y., 10455. Applicant's representative: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpackinghouses*, (1) between the plantsite, warehouses, and storage facilities used by Western Pork Packers, Inc., a New York corporation, located at or near Bronx, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, Rhode Island, South Dakota, Wisconsin, and the District of Columbia; and (2) between the plantsite, warehouses, and storage facilities used by Western Pork Packers, Inc., a Massachusetts corporation, located at or near Worcester, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Wisconsin, and the District of Columbia. Restricted to the transportation of traffic of Western Pork Packers, Inc., a New York corporation, and Western Pork Packers, Inc., a Massachusetts corporation, under continuing contracts with Western Pork Packers, Inc., of Bronx, N.Y., and Western Pork Packers, Inc., of Worcester, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 133591, filed March 24, 1969. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, Post Office Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Carthage, Mo., to point in Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 133594, filed March 19, 1969. Applicant: INTRACOASTAL TRANSFER LINE, INC., 1200 Peters Road, Harvey, La. 70058. Applicant's representative: Daniel Lund, 806 National Bank of Commerce Building, New Orleans, La. 70112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials*, from Westwego, La., to points in Mississippi, Alabama and points in that part of Florida on and west of U.S. Highway 319, and *returned shipments* on return, under contract with National Gypsum Co. NOTE: Applicant has common carrier authority under MC 54847 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 41), filed March 26, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (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, between Teaneck and Fort Lee, N.J., from the junction of Fort Lee Road and Teaneck Road, Teaneck, N.J.; thence over Teaneck Road to junction of DeGraw Avenue, thence over DeGraw Avenue and access road to Interstate Highway 95; thence over Interstate Highway 95 to George Washington Bridge Plaza, Fort Lee, N.J., and return over Interstate Highway 95 and access road to Glenwood Avenue; thence over Glenwood Avenue to junction DeGraw Avenue; thence over DeGraw Avenue to junction Teaneck Road, thence over Teaneck Road to junction Fort Lee Road, Teaneck, N.J., serving all intermediate points. NOTE: Applicant states the above-described route will be tacked to existing routes. If a hearing is deemed necessary, applicant requests it to be held at Newark, N.J.

No. MC 109736 (Sub-No. 31), filed March 19, 1969. Applicant: CAPITOL BUS COMPANY, a corporation, 1061 South Cameron Street, Harrisburg, Pa. 17105. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. 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, between Frederick, Md., and Washington, D.C., over U.S. Highway 240, serving no inter-

mediate points. NOTE: Applicant states that the purpose of this application is to remove the restrictions contained in its present certificate of public convenience and necessity in MC 109736 (Sub-No. 8), that reads as follows: Between Gettysburg, Pa., and Washington, D.C., serving intermediate points between Gettysburg, Pa., and Frederick, Md., including Frederick, Md., restricted (1) against pickup of passengers at Frederick on northbound trips. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109802 (Sub-No. 27), filed March 28, 1969. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Bernard F. Flynn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers; (1) between Parsippany-Troy Hills Township, N.J., and Parsippany-Troy Hills Township, N.J.: From the junction of U.S. Highway 202 and New Jersey Highway 10, in Parsippany-Troy Hills, thence over New Jersey Highway 10 to junction of Interstate Highway 287 in Hanover Township and thence over Interstate Highway 287 to junction of U.S. Highway 46 in Parsippany-Troy Hills, and return over the same route, serving no intermediate points; and (2) between Parsippany-Troy Hills Township, N.J., and Montville, N.J.: From the junction of U.S. Highway 46 and Interstate Highway 287, in Parsippany-Troy Hills thence over Interstate Highway 287 to junction of U.S. Highway 202 in Montville, and return over the same route, serving no intermediate points. NOTE: Applicant states the routes in (1) and (2) above are to be tacked with its presently authorized regular-route operations as alternate routes for operating convenience only. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130083, filed March 13, 1969. Applicant: FUN AFAR, INC., 1 High Street, Port Jefferson, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC-5) to engage in operations as a *broker*, (1) at Port Jefferson, Smithtown, and Stoneybrook, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage* in sightseeing and pleasure tours, beginning and ending at points in Suffolk County, N.Y., and extending to points in the United States; and (2) at Bridgeport, Conn., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in sightseeing or pleasure tours, restricted to passengers who had a prior movement on the ferry operated by the Bridgeport and Port Jefferson Steamboat Co., Inc., beginning and ending at Bridgeport, Conn., and extending to points in the United States.

No. FF-369 KAREVAN, INC., Freight Forwarder Application, filed March 28, 1969. Applicant: KAREVAN, INC., 419 Third Avenue West, Seattle, Wash. 98119. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operations as a freight forwarder in interstate or foreign commerce, in the forwarding of (a) *used household goods*, (b) *used automobiles*, and (c) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4435; Filed, Apr. 16, 1969; 8:45 a.m.]

[S.O. 1002; Car Distribution Direction 27-A]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 27 (Florida East Coast Railway Co.; Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 27 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 9 a.m., April 11, 1969, and that it 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4536; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 43]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

To: Florida East Coast Railway Co., Seaboard Coast Line Railroad Co., Louisville and Nashville Railroad Co., Missouri Pacific Railroad Co.

Pursuant to Section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Florida East Coast Railway Co. shall deliver to the Seaboard Coast Line Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The Seaboard Coast Line Railroad Co. shall deliver to the Louisville and Nashville Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(c) The Louisville and Nashville Railroad Co. shall deliver to the Missouri Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(d) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(e) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 14, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., May 4, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this 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 direction 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.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4537; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 41, Amdt. 1]

LOUISVILLE AND NASHVILLE RAILROAD CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 41 (Louisville and Nashville Railroad Co.; Chicago & Eastern Illinois Railroad Co.; Soo Line Railroad Co.), and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 41 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 4, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 13, 1969, and that it 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4538; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 40, Amdt. 1]

PENN CENTRAL CO. AND SOO LINE RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 40 (Penn Central Co.; Soo Line Railroad Co.), and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 40 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 4, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 13, 1969, and that it 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent

[F.R. Doc. 69-4539; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 30-A]

SEABOARD COAST LINE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 30 (Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.), and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 30 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 9 a.m., April 11, 1969, and that it 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4540; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 44]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., The Atchison, Topeka, and Santa Fe Railway Co.

Pursuant to Section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The St. Louis-San Francisco Railway Co. shall deliver to The Atchison, Topeka, and Santa Fe Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 14, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., March 4, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this 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 direction 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.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4541; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 994; ICC Order 20]

ILLINOIS CENTRAL RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Illinois Central Railroad Co. is unable to transport certain traffic routed over its line because of work stoppage by certain of its operating employees, and has placed an embargo against all traffic except carload shipments terminating at points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Illinois Central Railroad Co. being unable to transport certain traffic routed over its line because of work stoppage by certain of its employees, and has placed an embargo against all traffic except carload shipments terminating at points on its lines, that carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement, regardless of the routing designated on the waybill. The billing covering all such cars rerouted or diverted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order

shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 6 p.m., April 10, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., April 16, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 10, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4535; Filed, Apr. 16, 1969; 8:49 a.m.]

[Notice 815]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 808 (Sub-No. 42 TA) (Correction), filed February 12, 1969, published in FEDERAL REGISTER, issues of February 20, 1969, and republished as corrected this issue. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chargrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. W. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and trucks*, in secondary movements, in truckaway service, for the account of General Motors Corp., from Kinsler Station, S.C., to points in Georgia and South Carolina, for 180 days. NOTE: The purpose of this republication is to include trucks, inadvertently omitted in previous publication. Supporting shipper: General Motors Corp., Chevrolet Motor Division, General Motors Building, Detroit, Mich. 48202. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 181, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 2392 (Sub-No. 71 TA), filed April 9, 1969. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, for 150 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 30319 (Sub-No. 137 TA) (Correction), filed March 24, 1969, published in FEDERAL REGISTER, issue of April 2, 1969, and republished as corrected this issue. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras, Post Office Box 6187, Dallas, Tex. 75222. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading); (1) between Dallas, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., on the other hand, over Interstate Highway 45, Texas Highways 14 and 6, and return over the same route, serving only termini and no intermediate points; (2) between Houston, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., and return over the same route, serving only termini and no intermediate points; (3) between San Antonio, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., on the other hand, over Interstate Highway 35, U.S. Highway 290 and Texas Highway 21, and return over the same route, serving only termini and no intermediate points, for 180 days. NOTE: Applicant states it does intend to tack authority applied for to authority held by it. The purpose of this republication is to include a portion of the route description, which was inadvertently omitted in previous publication. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 60012 (Sub-No. 80 TA), filed April 8, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80216. Applicant's representative: Warren D. Braucher, Post Office Box 5482, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, from Grand Junction, Colo., to Price, Utah, and from Price, Utah, to Grand Junction, Colo., from Junction over U.S. Highway 6 to Price, and return over the same route, serving all intermediate points, for 180 days. NOTE: Applicant intends to interline with other carriers at Denver, Colo., and Salt Lake City, Utah, and to tack with present authority in MC 60012 and Subs 28, 29, 30, 32, 38, 58, and 70. Supporting shipper: Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 61396 (Sub-No. 212 TA), filed April 8, 1969. Applicant: HERMAN BROS. INC., 2501 No. 11 Street, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk and in bags, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin, and Illinois, for 150 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002, R. J. Pailthorpe, Senior Rate Analyst. Send Protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 8948 (Sub-No. 84 TA), filed April 9, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrosyl chloride*, in bulk, in shipper-owned trailers, from plantsite of Air Products and Chemicals, Inc., at or near Hercules, Calif., to Indianapolis, Ind., for 180 days. Supporting shipper: Air Products and Chemicals, Inc., Allentown, Pa. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 107295 (Sub-No. 179 TA) (Amendment), filed March 20, 1969, published in FEDERAL REGISTER, issues of March 29, 1969, and republished amended this issue. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products and hardwood flooring*, from Ishpeming, Mich., and White Lake, Wis., to points in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, for 180 days. NOTE: The purpose of this republication is to add New Jersey as a destination State and to include the name of the supporting shipper. Supporting shipper: Robbins Flooring Co., Ishpeming, Mich. 49849. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 192 TA), filed April 8, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings and prefabricated greenhouses*, from Phoenix, Ariz., to points in the United States except Alaska, Hawaii, and Arizona, for 180 days. Supporting shipper: Hydroculture, Inc., 1516 North Seventh Avenue, Phoenix, Ariz. 85007. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112750 (Sub-No. 266 TA), filed April 7, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions; (1) between Richmond, Ill., and Milwaukee, Wis.; (2) between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Fulton, Hancock, Henderson, Knox, McDonough, Mercer, and Warren Counties, Ill., for 180 days. Supporting shippers: (1) Burlington Bank and Trust Co., Burlington, Iowa 52601; (2) State Bank of Richmond, Richmond, Ill. 60071. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 114632 (Sub-No. 21 TA), filed April 7, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps Avenue, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products* as set forth in section A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, from plantsite and/or warehouse facilities of Spencer, Iowa 51301, John F. Hummel, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119757 (Sub-No. 2 TA), filed April 7, 1969. Applicant: HOME OIL AND GAS CORPORATION, doing business as MISSOURI TRANSPORTS, 915 Atchison Street, St. Joseph, Mo. 64503. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except those requiring temperature control) in bulk, in tank vehicles, from Wathena, Kans., to points in Missouri on, north and west of a line beginning at Kansas City and extending along U.S. Highway 40 to Grain Valley, thence north along an unnumbered highway through Buckner, Sibley, and Miltondale to Excelsior Springs, thence along U.S. Highway 69 to the Missouri-Iowa State line, for 150 days. Supporting shippers: King City Oil Co., King City, Mo. 64463; Mutz Oil Co., Post Office Box 470, Maryville, Mo. 64468. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125760 (Sub-No. 2 TA), filed April 9, 1969. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Pa. 16323. Applicant's representative: John E. McFate, 229 Elm Street, Oil City, Pa. 16301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Cleveland, Ohio, to points in Erie, Crawford, Venango, Forest, Warren, McKean, Elk, and Cameron Counties, Pa., for 180 days. Supporting shipper: Quality Markets, Inc., 101 Jackson Avenue, W.E., Post Office Box 130, Jamestown, N.Y. 14701. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128763 (Sub-No. 5 TA), filed April 7, 1969. Applicant: K. H. TRANSPORT, INC., R.F.D. No. 2, Ellicott City, Md. 21043. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty hardware for furniture*, (a) from Genesee, Pa., to Atlanta, Ga.; Birmingham, Ala.; Chicago, Ill.; Florence, Ky.; and Dallas and Houston, Tex., and (b) from Baltimore, Md., to Atlanta, Ga.; Birmingham, Ala.; Chicago, Ill.; Florence, Ky.; New York, N.Y.; and Dallas and Houston, Tex., for 150 days. Supporting shipper: Maurice Rudow, El-Mar Industries, Inc., 4715 East Wabash Avenue, Baltimore, Md. 21215. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 133610 TA, filed April 7, 1969. Applicant: MAURICE SHAPIRO, doing business as PROGRESS AIRLINE DELIVERY SERVICE, 43 Progress Street, Union, N.J. 07083. Applicant's representative: Herman B. J. Weckstein, Counsellor at Law, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personal baggage and effects, company mail, ground equipment, and automotive parts and aircraft parts*, between Newark, N.J., Airport, on the one hand, and, on the other points in Connecticut and New Jersey, and Bronx, Dutchess, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., for 150 days. Supporting shippers: (1) American Airlines, Newark Airport, Newark, N.J. 07114; (2) New York Airways, Inc., Post Office Box 426, LaGuardia Airport Station, Flushing, N.J. 11371. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

MOTOR CARRIER OF PASSENGERS

No. MC 129736 (Sub-No. 1 TA), filed April 8, 1969. Applicant: NEWTON BUS SERVICE, INC., Route 1, Post Office Box 8-D, Gloucester, Va. 23061. Applicant's representative: Alvin L. Newton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and equipment*, restricted to individuals who are players, officials, and employees of Peninsula Baseball Club, Inc., beginning in Hampton, Va., and extending to Raleigh, Durham, High Point, Thomasville, Winston-Salem, Burlington, Rocky Mount, Kinston, and Red Springs, N.C., for 150 days. Supporting shipper: Peninsula Baseball Club, Inc., Post Office Box 1305, Wythe Station, Hampton, Va. 23361. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Oper-

ations, 10–502 Federal Building, Richmond, Va. 23240.

By the Commission.

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

[F.R. Doc. 69–4542; Filed, Apr. 16, 1969; 8:50 a.m.]

[Notice 327]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 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–71219. By order of March 28, 1969, the Motor Carrier Board approved the transfer to El Paso-Los Angeles Limousine Express, Inc., 301 West San Francisco Street, El Paso, Tex. 79901, of certificate No. MC–125115 (Sub-No. 2), issued January 5, 1967, to Louis Rosenbaum, doing business as El Paso-Los Angeles Limousine Express, 301 West San Francisco Street, El Paso, Tex. 79901, authorizing the transportation of: Passengers and their baggage, limited to the transportation of not more than eight passengers in any one vehicle (not including the driver thereof), in limousine service, between El Paso, Tex., and Los Angeles, Calif., serving no intermediate points.

No. MC–FC–71167. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Garden State Delivery Service, Inc., New York, N.Y., of the operating rights in certificate No. MC–116453 issued August 12, 1964, to Jersey Express, Inc., East Rutherford, N.J., authorizing the transportation of: Such merchandise as is dealt in by novelty stores, from Lyndhurst, N.J., to New York, N.Y., with no transportation for compensation on return except as otherwise authorized; paint pigments, from New York, N.Y., to Newark, N.J., with no transportation for compensation on return except as otherwise authorized; sheet paper, between Lyndhurst and Newark, N.J., on the one hand, and, on the other, New York, N.Y.; ladies' undergarments, and textiles, materials, and supplies used in the manufacture of ladies' undergarments, between New York, N.Y., on the one hand, and, on the other, Lyndhurst, N.J., and points within 12 miles of Lyndhurst. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, registered practitioner for applicants.

No. MC–FC–71170. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Jersey Express, Inc., East Rutherford, N.J., of the operating rights in certificate No. MC–64202 issued December 29, 1965, to R.J.M. Express, Inc., Garfield, N.J., authorizing the transportation of: Silks, acetates, rayon, and dyed and processed materials, between Paterson, N.J., and Sloatsburg, N.Y., serving no intermediate points; between New York, N.Y., and Sloatsburg, N.Y., serving intermediate and off-route points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665; general commodities, with the usual exceptions, between Passaic, Paterson, and Clifton, N.J., and points in Bergen County, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665; paints, varnishes, waterproofings, dry pigments, and empty containers, from Ridgefield, N.J., to Scarsdale, White Plains, and Mount Vernon, N.Y., with no transportation for compensation on return except as otherwise authorized. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC–FC–71171. By order of March 28, 1969, the Motor Carrier Board approved the transfer to George C. Openhym, Jr., and Margaret T. Openhym, doing business as Wallington Motor Lines, Clifton, N.J., of the operating rights in certificate No. MC–64202 (Sub-No. 2) issued November 26, 1965, to R.J.M. Express, Inc., Wallington, N.J., authorizing the transportation of: *General commodities*, with the usual exceptions, between points in Morris County, N.J., on the one hand, and, on the other, New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practioner for applicants.

No. MC–FC–71172. By order of March 28, 1969, the Motor Carrier Board approved the transfer to George C. Open-1960, to Margaret T. Openhym doing business as Wallington Motor Lines, Clifton, N.J., of the operting rights in certificate No. MC–93711 issued October 12, 1960, to Margaret T. Openhym doing business as Wallington Motor Lines, Wallington, N.J., authorizing the transportation of: *Foodstuffs and paper*, between points in Passaic, Bergen, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC–FC–71226. By order of March 28, 1969, the Motor Carrier Board approved the transfer to David L. Barr, Brazil, Ind., of certificate No. MC–99539 (Sub–No. 1), issued August 25, 1964, to Herbert M. Underwood, Brazil, Ind., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, over regular routes, between Terre Haute, Ind., and Carbon, Ind., serving specified intermediate and off-route points. Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC–FC–71236. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Paul W. Duffy and Ray F. De Blass, doing business as Duffy and De Blass, Bellaire, Ohio, of a portion of certificate No. MC–47157, issued May 12, 1966, to Pete Zukoff, Moundsville, W. Va., authorizing the tranportation of: Construction materials and machinery, and agricultural commodities and feeds, paper and paper containers, fertilizer, and coal, from, to, or between West Virginia, Ohio, and Pennsylvania. D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va., 26003, registered practitioner, for applicants.

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

[F.R. Doc. 69–4543; Filed, Apr. 16, 1969; 8:50 a.m.]

[Notice 327A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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–70834. By order of April 8, 1969, the Commission, Division 3, acting as an Appellate Division, approved the transfer to H. J. Russell's, Inc., Vestal, N.Y., of the certificate in No. MC–35677, issued April 19, 1956, to Serafina Construction Co., Inc., Binghamton, N.Y., authorizing the transportation of sand, gravel, crushed stone, bituminous road building materials, and road building machinery, equipment, and supplies between Binghamton, Willow Point, and Chenango Bridge, N.Y., on the one hand, and, on the other, points in New York, and Pennsylvania within 80 miles of Binghamton. Thomas L. Nestor, II, 14 Washington Avenue, Endicott, N.Y., attorney for applicants.

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

[F.R. Doc. 69–4544; Filed, Apr. 16, 1969; 8:50 a.m.]

[Notice 327B]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 14, 1969.

Application filed for temporary authority under section 210(a) (b) in con-

nection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–71313. By application filed April 4, 1969, STEWART DOYLE, INC., doing business as DOYLE TRANSIT COMPANY, 63 North Fifth Street, Fargo, N. Dak., seeks temporary authority to lease the operating rights of NORTHERN TRANSIT COMPANY, 216 North 11th Street, Fargo, N. Dak., under section 210a(b). The transfer to STEWART DOYLE, INC., doing business as DOYLE TRANSIT COMPANY, of the operating rights of NORTHERN TRANSIT COMPANY, is presently pending.

By the Commission.

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

[F.R. Doc. 69–4545; Filed, Apr. 16, 1969; 8:50 a.m.]

[Notice 326]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 11, 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–70974. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Russell Trumbauer, Warren E. Fluck, and William F. Voight, Jr., a partnership, doing business as The Buskirk Co., 3333 Freemansburg Avenue, Easton, Pa. 18042, of the operating rights in certificate No. MC–77598 issued August 27, 1951, to Nicholas Donato and Nick DiVietro, a partnership, doing business as Easton Trucking Co., 686 Pearl Street, Easton, Pa. 18042, authorizing the transportation of household goods as defined by the Commission, between Easton, Pa., and points in Pennsylvania within 10 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, and Massachusetts; and printed matter, between Easton, Pa., and points in Pennsylvania within 5 miles thereof, on the one hand, and, on the other, Washington, N.J.

No. MC–FC–71073. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Edward Rech and Barbara Rech, a partnership, doing business as Rech Trucking, Greybull, Wyo.; of certificate in No. MC–115540, issued January 7, 1960, to Gordon A. Blaney and Crystol L. Blaney, a partnership, doing business as Blaney Transfer and Storage, Worland, Wyo.; authorizing the transportation of: Drilling muds, bentonite, chemicals, and other lost circulating materials used in drilling and maintaining wells for the discovery, development and production of natural gases and petroleum, and, portable storage buildings utilized at such drilling sites, between Greybull, Wyo., and points within 10 miles thereof, on the one hand, and, on the other, points in Montana. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001, attorney for applicants.

No. MC–FC–71211. By order of March 28, 1969, the Motor Carrier Board approved the transfer to L. & M. Express Co., Inc., Lyndhurst, N.J., of the operating rights in certificate No. MC–44639 and subs thereunder, issued to Sam Maita and Irving Levin, doing business as L. & M. Express Co., Lyndhurst, N.J., authorizing the transportation of: Wearing apparel, garments, uncut goods, trimmings, and articles used in the manufacture of wearing apparel, between points in New York, New Jersey, and Virginia. Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102, attorney for applicants.

No. MC–FC–71213. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Colwell Cartage Co., Inc., 12 Becraft Avenue, Hudson, N.Y. 12534, of the certificate in No. MC–17025, issued July 25, 1967, to Christopher J. Groll and Ellen C. Groll, doing business as Colwell Cartage Co., 12 Becraft Avenue, Hudson, N.Y. 12534, authorizing the transportation of household goods between Hudson, N.Y., and points within 15 miles thereof, on the one hand, and, on the other, points in New York, Connecticut, New Jersey, and Pennsylvania.

No. MC–FC–71214. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Complete Auto Transit, Inc., a Delaware corporation, Southfield, Mich., of permit No. MC–49368 and subs thereunder, issued to Complete Auto Transit, Inc., a Michigan corporation, Southfield, Mich., authorizing the transportation of various types of motor vehicles, bodies, chassis, etc., between points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Louisiana, Virginia, Nebraska, Texas, Oklahoma, Wisconsin, Nevada, New Mexico, Utah, Wyoming, Kansas. Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226, attorney for applicants.

No. MC–FC–71240. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Hanson Cartage, Inc., Jamestown, N.Y., of certificate No. MC–47830 issued March 4, 1941, to Jack Hanson, doing business as Hanson Trucking, Jamestown, N.Y., authorizing the transportation of: General commodities, with the usual exceptions, between Jamestown, N.Y., and Warren, Pa. Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701, attorney for applicants.

No. MC–FC–71241. By order of March 28, 1969, the Motor Carrier Board approved the transfer to John J. Turner, doing business as O'Neill Transfer, O'Neill, Nebr., of certificate of registration No. MC–121008 (Sub-No. 1) issued October 19, 1967, to Chambers Transfer, Chambers, Nebr., evidencing a right to engage in interstate or foreign commerce within the State of Nebraska, in the transportation of general commodities. Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501, attorney for applicants.

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

[F.R. Doc. 69–4443; Filed, Apr. 15, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. 13]

PUERTO RICAN-AMERICAN INSURANCE CO.

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 $365,000 has been established for the company.

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

Puerto Rican-American Insurance Company
San Juan, Puerto Rico

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: April 11, 1969.

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

[F.R. Doc. 69–4556; Filed, Apr. 16, 1969; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HEADQUARTERS ADMINISTRATIVE OFFICER

Redelegation of Authority

APRIL 10, 1969.

Bureau of Indian Affairs Manual 10–1, New Paragraph 5.5.

Redelegation of Authority to Approve Advertising Orders (Standard Form No. 1143 7 GAO 5200—1143–105).

Bureau of Indian Affairs Manual 10 BIAM 5. is amended by additional paragraph under section 10 BIAM 5., authority of Central Office Personnel.

5.5 *Advertising.* The Headquarters Administrative Officer or anyone acting in his stead, may authorize the publication of advertisements, notices, or proposals. Section 3828 of the Rev. Stat. (44 U.S.C. 324), 205 DM 5.1.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69-4512; Filed, Apr. 16, 1969; 8:47 a.m.]

LAND RECORDS

Transfer

APRIL 10, 1969.

In accordance with 25 CFR Part 120, and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given as follows:

Effective upon publication in the FEDERAL REGISTER, the Title Plants listed below are the offices of record for the recording and the maintenance of records for all trust or restricted lands.

1. *Aberdeen Area.* Except as hereinafter set forth, the official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Aberdeen Area Office, and whether within or without the boundaries of any Indian reservation, community or other designated land entity under said area office jurisdiction, is transferred to the Aberdeen Title Plant, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, S. Dak. 57401.

Excluded from this transfer are the land records pertaining to the Turtle Mountain Indian Reservation in the State of North Dakota and the Turtle Mountain Off-Reservation lands in the States of North and South Dakota. The official custody of these records is transferred to the Billings Title Plant, Bureau of Indian Affairs, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

2. *Albuquerque Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Albuquerque Area Office, and whether within or without the boundaries of any Indian reservation, pueblo, community, or other designated land entity under said area office jurisdiction, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

3. *Anadarko Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Anadarko Area Office, and whether within or without the boundaries of any Indian reservation or other designated land entity under said area office jurisdiction, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

4. *Billings Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Billings Area Office, and whether within or without the boundaries of any Indian reservation or other designated land entity under said area office jurisdiction, is transferred to the Billings Title Plant, Bureau of Indian Affairs, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

5. *Former Gallup Area.* On January 30, 1966, by order of the Commissioner of Indian Affairs, the Albuquerque and the Navajo Area Offices were established to take over the functions and jurisdiction formerly exercised by the Gallup Area Office, including the maintenance of the records to Indian-owned lands within that area. The official custody of all these records is now transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

6. *Minneapolis Area.* (a) Except as hereinafter set forth, the official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands in the States of Iowa, Michigan, and Wisconsin under the jurisdiction of the Minneapolis Area Office, and whether within or without the boundaries of any Indian reservation, community or other designated land entity in said States under said area office jurisdiction, is transferred to the Aberdeen Title Plant, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, S. Dak. 57401.

Excluded from this transfer are the land records pertaining to the Isabella Indian Reservation in the State of Michigan and the Oneida Indian Reservation in the State of Wisconsin. The official custody of these records remains with the Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20242, and that office continues to be the office of record for the recording and maintenance of these records.

(b) Except as hereinafter set forth, the official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands in the State of Minnesota under the jurisdiction of the Minneapolis Area Office, and whether within or without the boundaries of any Indian reservation, community or other designated land entity in said State under said area office jurisdiction, is transferred to the Portland Title Plant, Bureau of Indian Affairs, 1425 Northeast Irving Street, Portland, Oreg. 97208.

Excluded from this transfer are the land records pertaining to the White Earth Indian Reservation in the State of Minnesota. The official custody of these records remains with the Bureau of Indian Affairs, Washington, D.C., and that office continues to be the office of record for the recording and maintenance of these records.

7. *Muskogee Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands on the Eastern Shawnee, Quapaw, and Seneca Cayuga Indian Reservations in the State of Oklahoma, under the jurisdiction of the Muskogee Area Office, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

8. *Navajo Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Navajo Area Office, including lands within the Navajo Indian Reservation in the States of Arizona, New Mexico, and Utah, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

9. *Phoenix Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Phoenix Area Office, and whether within or without the boundaries of any Indian reservation, community, colony, or other designated land entity under said area office jurisdiction, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

10. *Portland Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Portland Area Office, and whether within or without the boundaries of any Indian reservation, community, colony, or other designated land entity under said area office jurisdiction, is transferred to the Portland Title Plant, Bureau of Indian Affairs, 1425 Northeast Irving Street, Portland, Oreg. 97208.

11. *Sacramento Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Sacramento Area Office, and whether within or without the boundaries of any Indian reservation, community, colony, rancheria, or other designated land entity under said area office jurisdiction, is transferred to the Portland Title Plant, Bureau of Indian Affairs, 1425 Northeast Irving Street, Portland, Oreg. 97208.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69-4513; Filed, Apr. 16, 1969; 8:47 a.m.]

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 7, 1969.

The Bureau of Indian Affairs has filed an amended application, Anchorage Serial No. AA–2614, for the withdrawal of the lands described herein from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the act of July 31, 1947, as amended. The applicant agency desires the land as a site for additional school facilities including a water well at Togiak, Alaska.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation, 43 CFR 2311.1–3(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

TOGIAK, ALASKA

BRISTOL BAY AREA

Latitude 59°03½′ N., Longitude 160°23½′ W.

A tract of land embracing approximately 3.16 acres located immediately adjacent to the northeast boundary of the present school reserve, U.S. Survey No. 2501.

Togiak is a native Trustee Townsite located approximately 60 miles west of Dillingham, Alaska.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 69–4503; Filed, Apr. 16, 1969; 8:47 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 7, 1969.

Notice of an application, serial number AA–2614, for withdrawal and reservation of lands was published as F.R. Doc. 68–5994 on page 7499 of the issue for May 21, 1968. The Bureau of Indian Affairs has amended its application so as to delete the lands described herein. Therefore, under the regulations contained in 43 CFR 2311, such lands will be at 10 a.m. on April 15, 1969, relieved of the segregative effect of the above-mentioned application. The lands involved in this notice of termination are:

TOGIAK, ALASKA

BRISTOL BAY AREA

A tract of land beginning at corner No. 3 of U.S. Survey 2051; thence N. 50°57′ W., a distance of 150 feet to a point; thence N. 39°03′ E., a distance of 630 feet to a point; thence S. 50°57′ E., a distance of 230 feet to a point; thence S. 39°03′ W., a distance of 300 feet to the intersection of the east line of U.S. Survey 2051 between meander corner 1 and property corner 2; thence N. 50°57′ W., a distance of 80 feet to corner 2 of U.S. Survey 2051; thence S. 39°03′ W., a distance of 330 feet to corner 3 of U.S. Survey 2051; and the true point of beginning.

The area described contains approximately 2.72 acres adjoining the present school reserve.

Togiak is a native Trustee Townsite located approximately 60 miles west of Dillingham, Alaska.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 69–4504; Filed, Apr. 16, 1969; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) it is proposed to classify the public lands described below for transfer out of Federal ownership under any of the following statutes: Section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for Point Reyes National Seashore, Act of September 13, 1962 (16 U.S.C. 459c), or State Indemnity Lieu Selection Act (43 U.S.C. 851, 852).

2. This proposal has been discussed with State and local government officials, BLM advisory boards, users, conservation groups, and general public.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

4. The lands are located in Kern County, northeast of Mojave and are described as follows:

MOUNT DIABLO MERIDIAN

T. 31 S., R. 37 E.:	
Sec. 24, S½	320.00
T. 32 S., R. 37 E.:	
Sec. 12, E½NE¼	80.00
T. 31 S., R. 38 E.:	
Sec. 14	640.00
Sec. 18, lot 1 of NW¼	80.00
N½ of lot 2 of NW¼	36.12
S½ of lot 2 of NW¼, and	36.37
E½	320.00
Sec. 20	640.00
Sec. 22	640.00
Sec. 24	640.00
Sec. 26	640.00
Sec. 28	640.00
Sec. 30, lot 1 of NW¼	80.00
N½ of lot 2 of NW¼	37.11
S½ of lot 2 of NW¼	37.33
Lot 1 of SW¼	80.00
N½ of lot 2 of SW¼	37.55
S½ of lot 2 of SW¼, and	37.77
E½	320.00
Sec. 32	640.00
Sec. 34	640.00
T. 32 S., R. 38 E.:	
Sec. 2, lot 1 of NE¼	80.00
E½ of lot 2 of NE¼	42.06
W½ of lot 2 of NE¼	42.18
Lot 1 of NW¼	80.00
E½ of lot 2 of NW¼	42.30
W½ of lot 2 of NW¼, and	42.43
S½	320.00
Sec. 4, lot 1 of NE¼	80.00
E½ of lot 2 of NE¼	42.86
W½ of lot 2 of NE¼	42.82
Lot 1 of NW¼	80.00
E½ of lot 2 of NW¼	42.78
W½ of lot 2 of NW¼, and	42.74
S½	320.00
Sec. 6, lot 1 of NE¼	80.00
E½ of lot 2 of NE¼	42.78
W½ of lot 2 of NE¼	41.98
E½ of lot 1 of NW¼	40.00
W½ of lot 1 of NW¼	37.53
E½ of lot 2 of NW¼	41.18
W½ of lot 2 of NW¼	37.21
Lot 1 of SW¼	80.00
N½ of lot 2 of SW¼	38.19
S½ of lot 2 of SW¼, and	38.89
SE¼	160.00
Sec. 8	640.00
Sec. 10	640.00
Sec. 12	640.00
Sec. 14	640.00
Sec. 20, E½	320.00
Sec. 22	640.00
Sec. 24	640.00
Sec. 26	640.00
Sec. 28	640.00
Sec. 34	640.00

The land described aggregate 14,640.18 acres.

5. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the District Office, Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, Calif. 93301; and in the Land Office, Bureau of Land Management, 1414 University Avenue, Riverside, Calif. 92502.

6. 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, Bakersfield, Calif.

7. A public hearing will be held if sufficient public interest is shown.

For the State Director.

ROBERT J. SPRINGER,
District Manager.

[F.R. Doc. 69-4508; Filed, Apr. 16, 1969; 8:47 a.m.]

[R-1658, S-1795]

CALIFORNIA

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

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 in Blocks 1., 2., and 3. from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and, of segregating the lands described in Block 4. from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334). The land 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 designated 2412-04-01-32 (R-1658) (S-1795) in the District Office, Bureau of Land Management, Bakersfield, Calif. 93301, and in the Land Offices, 1414 University Avenue, Riverside, Calif. 92502, and 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825.

The overall description of the area is as follows:

KERN COUNTY

MOUNT DIABLO MERIDIAN

All public land in:

Block No. 1

T. 28 S., R. 32 E.,
Sec. 21.
T. 29 S., R. 32 E.,
Secs. 4, 8, 16, and 18.
T. 28 S., R. 33 E.,
Secs. 7, 8, 17, 18, 19, and 32.
T. 29 S., R. 33 E.,
Secs. 6, 9, 10, 11, 13, 16, 26, 28, 34, and 36.
T. 30 S., R. 33 E.,
Secs. 2, 14, 15, 16, 19, 20, 21, 22, 28, 29, 30, and 31.
T. 29 S., R. 33½ E.,
Secs. 13 and 24.
T. 29 S., R. 34 E.,
Sec. 32.

Block No. 2

T. 28 S., R. 34 E.,
Sec. 35, SE¼;
Sec. 36, S½.
T. 29 S., R. 34 E.,
Secs. 12 and 24.
T. 30 S., R. 34 E.,
Secs. 2 and 12.
T. 29 S., R. 35 E.,
Secs. 2, 3, 4, 6, 7, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, and 32.
T. 30 S., R. 35 E.,
Secs. 2, 10, 14, 18, 23, 27, 28, 30, 32, and 34.
T. 29 S., R. 36 E.,
Secs. 2, 4, 5, 6, 8, 10, 12, 14, 15, 18, 19, 20, 22, 23, 24, 26, 28, 29, 30, 32, and 34.
T. 30 S., R. 36 E.,
Secs. 2, 4, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 30 S., R. 36½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 30 S., R. 37 E.,
Secs. 1, 2, 3, 4, 6, 8, 10, 11, 12, 14, 15, 18, 20, 21, 22, 28, 30, 32, 33, and 34.

Block No. 3

T. 31 S., R. 33 E.,
Secs. 1 and 11;
Secs. 12 to 14, inclusive;
Secs. 23, 24, and 26.
T. 30 S., R. 34 E.,
Secs. 26, 34, and 36.
T. 31 S., R. 34 E.,
Secs. 1 to 6, inclusive;
Secs. 8 and 9;
Secs. 11 to 16, inclusive;
Secs. 18, 20, 21, 23, 24, and 26.
T. 32 S., R. 34 E.,
Secs. 2, 12, 14, and 24.
T. 31 S., R. 35 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 32 S., R. 35 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 31 S., R. 36 E.,
Secs. 1 to 6, inclusive;
Secs. 8 to 10, inclusive;
Secs. 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 32 S., R. 36 E.,
Secs. 4, 6, 8, and 18.
T. 31 S., R. 36½ E.,
Secs. 12, 13, and 24.
T. 31 S., R. 37 E.,
Secs. 5 and 6.

Block No. 4

T. 31 S., R. 37 E.,
Sec. 24.
T. 32 S., R. 37 E.,
Sec. 12, N½.
T. 30 S., R. 38 E.,
Secs. 1, 2, and 3, unsurveyed;
Sec. 4;
Secs. 8 to 16, inclusive, unsurveyed;
Secs. 21 to 24, inclusive, unsurveyed;
Secs. 26, 27, and 28, unsurveyed;
Sec. 34.
T. 31 S., R. 38 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 12, inclusive;
Secs. 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 32 S., R. 38 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 20, 22, 24, 26, 28, and 34.
T. 31 S., R. 39 E.,
Sec. 30, N½;
Sec. 32, W½.
T. 32 S., R. 39 E.,
Sec. 6, W½.

The area described aggregates approximately 139,696 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 District Manager, Bureau of Land Management, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301.

4. A public hearing on the proposed classification will be held on Wednesday, May 28, 1969 at 10:30 a.m. in the West Area of the Sports Arena at California City, Kern County, Calif.

For the State Director.

ROBERT J. SPRINGER,
District Manager.

[F.R. Doc. 69-4509; Filed, Apr. 16, 1969; 8:47 a.m.]

[Sacramento 2460]

CALIFORNIA

Opening of National Forest Lands

APRIL 10, 1969.

1. In DA-1059-California dated February 13, 1969, the Federal Power Commission vacated the withdrawal created pursuant to the filing on March 29, 1960, of an amended application for license for Oroville-Wyandotte Irrigation District South Fork Project No. 2088 (Feather River) for the following lands:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 8 E.,
Sec. 3, S½SW¼ and SW¼SE¼.

The areas described aggregate approximately 120 acres in Plumas County within the Plumas National Forest.

2. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to authority redelegated to me by the Acting Manager on November 18, 1965 (30 F.R. 14444), as amended, it is hereby ordered that the lands listed in paragraph 1 hereof are hereby open to such forms of disposal as may by law be made of National Forest lands effective at 10 a.m. on May 12, 1969, subject to existing rights, the provisions of existing withdrawals, and the requirements of applicable laws and regulations.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-4505; Filed, Apr. 16, 1969; 8:47 a.m.]

[N-3660]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 11, 1969.

The Bureau of Reclamation has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for recreational, fish and wildlife purposes and the operation and maintenance of the

Lahontan Reservoir, an existing facility of the Newlands Project.

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

The Department's regulations (43 CFR 2311.1–3(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 25 E.,
Sec. 25, E½;
Sec. 36, E½.
T. 18 N., R. 25 E.,
Sec. 24, N½.
T. 18 N., R. 26 E.,
Sec. 16, S½;
Sec. 20, E½.

The areas described aggregate 1,600 acres.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69–4506; Filed, Apr. 16, 1969; 8:47 a.m.]

[New Mexico 9320]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 11, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed application, Serial No. New Mexico 9320, for the withdrawal of land described below from all forms of entry under the public land laws, but not the general mining or mineral leasing laws. The land was conveyed to the United States pursuant to sections 10 and 11 of the Act of June 20, 1910 (36 Stat. 564). They have not been open to entry under the public land laws. The applicant desires the land for use in connection with the Navajo Indian Irrigation Project, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

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

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

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

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 8 W.,
Sec. 32, S½N½, N½SW¼, and SE¼.

The area described aggregates 400 acres in San Juan County.

HAROLD A. BERENDS,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69–4507; Filed, Apr. 16, 1969; 8:47 a.m.]

[Oregon 016983, etc.]

OREGON

Notice of Offering of Land for Sale

APRIL 11, 1969.

Under the Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–27) and 43 CFR Subpart 2243, there will be offered to the highest bidder, but at not less than appraised value, at a public sale to be held at 1 p.m. on the 27th day of May, 1969, at the Civic Recreation Center, Orchard Avenue, Hermiston, Oreg., the following parcels of land:

Parcel No.	Description	Acres	Appraised value	Estimated cost of publication
	Willamette Meridian			
Oregon 016983	T. 3 N., R. 28 E., sec. 34, all.	640	$16,700	$35
Oregon 016984	T. 3 N., R. 28 E., sec. 24, all. Subject to highway right-of-way Oregon 017832 granted to Oregon State Highway Department and Pacific Northwest Bell cable right-of-way Oregon 018500. Also subject to the right of the grazing lessee to remove his fence.	640	27,600	35
OR 3175	T. 5 N., R. 29 E., sec. 30, lots 1 and 2 of the NW¼ and N½ of lot 1 of the SW¼. The purchaser of this parcel will be required to make provision for compensating the grazing lessee for fencing.	202.49	9,450	35
OR 3176	T. 5 N., R. 29 E., sec. 20, N½, SE¼. Subject to a highway right-of-way Oregon 0687 granted to Oregon State Highway Department and a Bonneville Power Administration power transmission line and road right-of-way Oregon 018714. The purchaser of this parcel will be required to make provision to compensate for grazing lessee's range improvements, consisting of fencing.	480	18,650	35

If the parcels are not sold on that day, the sale will be adjourned and the parcels reoffered for sale on each succeeding Tuesday at 10 a.m. in the Land Office, 729 Northeast Oregon Street, Portland, Oreg., until sold or until November 25, 1969, the date the sale will be closed.

The parcels will be sold subject to a reservation to the United States of rights-of-way for ditches or canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945) and all minerals will be reserved to the United States.

No bid will be accepted for less than the appraised value to which bid must be added the cost of publication noted above.

Sealed or oral bids may be made by the principal or his agent. Bids for a parcel must be for all the lands in the parcel.

Sealed bids will be considered only if received at the Land Office, Post Office Box 2965 (729 Northeast Oregon Street), Portland, Oreg. 97208, by the close of business on the day prior to each date the auction is held. Late filed sealed bids will be held for consideration at the next weekly auction. Sealed bids must be in envelopes accompanied by certified checks, post office money orders, bank drafts, or cashiers' checks made payable to the Bureau of Land Management for the amount of the bid plus the publication cost shown above. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, Parcel No. _____." Personal checks will be accepted from successful oral bidders. The successful oral bidders at the sale will be required to pay immediately the amount thereof together with the cost of publication. The right is reserved to determine at any time that the lands should not be sold or that any and all bids should be rejected.

The above-described lands are segregated from all forms of appropriation, including location under the mining laws, and from all other petitions and applications pursuant to prior classifications in accordance with 43 CFR 2243.2-6(c).

For further information write:

Land Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208.

IRVING W. ANDERSON,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-4510; Filed, Apr. 16, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. S-464]

ALVIN E. HUHTA

Notice of Loan Application

APRIL 11, 1969.

Alvin E. Huhta, Route 4, Box 15, Astoria, Oreg. 98103, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 32-foot length overall wood vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-4511; Filed, Apr. 16, 1969; 8:47 a.m.]

FISHING VESSEL MORTGAGE AND LOAN INSURANCE

Applications

APRIL 14, 1969.

Upon review of the Fishing Vessel Mortgage Insurance Program, it became apparent that it is not in the national interest to encourage the construction of more vessels in a specific fishery than are required to harvest the estimated maximum sustainable yield. The Secretary of the Interior has therefore determined that the Fishing Vessel Mortgage Insurance Program shall not be used to introduce additional fishing effort into a fishery when the existing fleet is already producing the estimated maximum sustainable yield. Nevertheless, it continues to be desirable to encourage modernization of the fleet; and it is clear that a new, efficient vessel can be built without increasing the fishing effort in such a fishery if at least equivalent fishing effort is permanently removed from fishing.

Notices will be published from time to time listing fisheries which the Secretary determines to be in this condition. Thereafter, those fisheries which are listed will not be eligible for assistance in the form of fishing vessel mortgage or loan insurance unless the proposed vessel is designed so that it will be more efficient than 70 percent of the vessels currently in the fishery in which it will operate and provided that a vessel or vessels, that have operated in that fishery during the previous year and having at least the same fishing capacity as the new vessel, have been or will be permanently removed from all domestic fishing prior to delivery of the new vessel. Fisheries may be added to or deleted from the list by publication in the FEDERAL REGISTER whenever the available evidence justifies such action. Interested parties may at any time make recommendations for changes in the list, giving their reason for the recommended changes by letter addressed to the Director, Bureau of Commercial Fisheries, U.S. Department of the Interior, Washington, D.C. 20240. All recommendations will be considered when said lists are prepared.

The yellowfin tuna fishery in the area regulated by the Inter-American Tropical Tuna Commission is operated under a quota which is currently set at 120,000 tons per year. The carrying capacity of the present U.S. fleet fishing in this area is over 46,000 tons and it will increase to 54,000 tons by this summer. This means that the entire quota can be taken by fewer than three trips for each vessel in the U.S. tropical tuna fleet. Consequently the quota may be reached in as little as 4 months, after which the vessels must fish in other areas, for other species, or be tied up for the balance of the year. In view of the above, a determination is hereby made that the yellowfin tuna fishery in the area regulated by the Inter-American Tropical Tuna Commission has sufficient vessels to take the maximum sustainable yield. Therefore, no application for mortgage or loan insurance will be accepted after the date of publication of this Notice for the construction or reconstruction of vessels to be used in this fishery unless the Secretary determines that the vessel to be constructed is designed so as to be more efficient than at least 70 percent of the vessels in this fleet and further provided that one or more vessels that have operated in that fishery during the previous year with a total fishing capacity at least equal to that of the proposed vessel have been, or will be, withdrawn permanently from domestic fishing by the applicant. The withdrawal must be completed before delivery of the proposed vessel.

H. E. CROWTHER,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 69-4548; Filed, Apr. 16, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

WASHINGTON COUNTY STOCKYARD ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard and date of posting

ALABAMA

Washington County Stockyard, Chatom, Mar. 24, 1969.

GEORGIA

Moore's Auction and Livestock Commission, Calhoun, Mar. 4, 1969.

MICHIGAN

Escanaba Livestock Auction, Escanaba, Mar. 5, 1969.

NEBRASKA

Producers Livestock Marketing Association, McCook, Mar. 5, 1969.

OKLAHOMA

Hennessey Sale, Hennessey, Mar. 25, 1969.

TEXAS

Cattlemen's Exchange, Inc., Edinburg, Mar. 25, 1969.

Done at Washington, D.C., this 10th day of April 1969.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-4557; Filed, Apr. 16, 1969; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Determination for Surveys

In conformity with title 13, United States Code, sections 181, 224, and 225, and due notice of consideration having been published on March 18, 1969 (34 F.R. 5341), I have determined that a First Quarter 1969 Survey of selected multiunit companies is needed to collect information for the 1969 County Business Patterns Report. The Survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other Federal Agencies will be required to report in this Survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: April 8, 1969.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 69-4481; Filed, Apr. 16, 1969; 8:45 a.m.]

Bureau of International Commerce

[File No. 23(69)-2]

INTERAGRA S.A.

Order Extending Temporary Denial of Export Privileges

In the matter of Interagra S.A. 16, Rue Auber Paris 9, France, Respondent, File No. 23(69)-2.

An order temporarily denying export of privileges for a period of 60 days was issued against the above respondent on February 14, 1969 (34 F.R. 2514). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reasonable basis to believe that respondent had knowingly participated in a transaction involving the unauthorized reexportation of 12,000 tons of U.S.-origin agricultural fertilizer from France to Cuba and further that on inquiry from the U.S. supplier the respondent stated that the material was resold to various of its French customers.

The Director of said Investigations Division has applied under § 381.11 of the Export Regulations for an extension of the temporary denial order for an additional 30 days. He has represented that since the temporary denial order was issued in this case on February 14, 1969, written interrogatories have been served on respondent and that said interrogatories have not yet been answered. If said interrogatories are not answered an order denying export privileges for an indefinite period for failure to answer may be appropriate under § 382.15 of the Export Regulations. Until such interrogatories are answered or the time for answering has expired it cannot now be determined what action will be taken in the case.

The application for extension of the temporary denial order has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary denial order be extended for an additional 30 days. He has found that such extension is reasonably necessary for the protection of the public interest. I confirm this finding.

Accordingly, it is hereby ordered:

I. The prohibitions and restrictions of the temporary denial order issued in this matter on February 14, 1969 (34 F.R. 2514) are hereby continued in full force and effect.

II. The respondent, its successors, assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor and to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the temporary denial order which was entered on February 14, 1969 and shall remain in effect for a period of 30 days from the expiration of said temporary denial order, unless it is hereafter amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any said respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: April 11, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-4532; Filed, Apr. 16, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of diethylstilbestrol in inert silicone rubber implants for the use in cattle, except dairy and breeding animals, at 75 milligrams per animal for increasing rate of gain and improving feed efficiency.

Dated: April 9, 1969.

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

[F.R. Doc. 69-4483; Filed, Apr. 16, 1969; 8:45 a.m.]

DIBUTYLTIN DILAURATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drug: Tinostat, Medicated Premix; contains 25 percent dibutyltin dilaurate; marketed by Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616.

The Academy concludes that this drug is probably effective as an aid in prevention of coccidiosis and hexamitiasis in turkeys; however, the label should list the species of turkey coccidia controlled. The Food and Drug Administration concurs with this evaluation.

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

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

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

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

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

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

Dated: April 10, 1969.

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

[F.R. Doc. 69-4484; Filed, Apr. 16, 1969; 8:45 a.m.]

FURASPOR LIQUID VETERINARY

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Furaspor Liquid Veterinary; contains 0.4 percent nitrofurfuryl methyl ether, 15 percent benzyl benzoate, and 0.5 percent methylbenzethonium chloride; marketed by Eaton Laboratories, Division of The Norwich Pharmacal Co., Post Office Box 191, Scientific Department, Norwich, N.Y. 13815.

The Academy concluded (1) that this product is probably effective for pyogenic dermatitis, seborrheic dermatitis complicated by bacterial infections, and demodectic mange alone or complicated by bacterial infections in dogs and for topical fungal infections sensitive to the drug in large animals and dogs; (2) that documentation is needed to substantiate the use of this product for seborrheic dermatitis; (3) that the label should indicate the specific fungus for which the product is effective; and (4) that directions for use are inadequate. The Food and Drug Administration concurs with the conclusions of the Academy.

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

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

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

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

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

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

Dated: April 10, 1969.

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

[F.R. Doc. 69-4485; Filed, Apr. 16, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Designation and Revocation

SECTION A. *Designation of Acting Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* The Deputy Under Secretary for Policy Analysis and Program Evaluation, Department of Housing and Urban Development, is hereby designated to serve as Acting Assistant Secretary for Mortgage Credit and Federal Housing Commissioner during the present vacancy in the office of Assistant Secretary for Mortgage Credit and Federal Housing Commissioner, with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.

SEC. B. *Revocation.* The delegation of authority to William B. Ross, Deputy Under Secretary for Policy Analysis and Program Evaluation, published at 34 F.R. 3861, March 5, 1969, is hereby revoked.

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

Effective date. This document shall be effective as of April 10, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-4531; Filed, Apr. 16, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-338, 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Virginia Electric and Power Co., 700 East Franklin Street, Richmond, Va. 23209, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated March 17, 1969, for authorization to construct and operate two nuclear reactors, designated as the North Anna Power Station Units No. 1 and No. 2, on a company site located in Louisa County, Va.

The site is located south of the North Anna River, approximately 24 miles southwest of Fredericksburg and 40 miles north-northwest of Richmond, Va. The reactors will be located on a peninsula in a reservoir that is to be formed when an earthen dam is constructed approximately 5 miles southeast of the site.

The proposed nuclear powerplant will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 2,652 thermal megawatts with a gross electrical output of approximately 892 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 4th day of April 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-4480; Filed, Apr. 16, 1969; 8:45 a.m.]

[Docket No. 50-326]

REGENTS OF UNIVERSITY OF CALIFORNIA AT IRVINE

Notice of Proposed Issuance of Construction Permit

The Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit, substantially in the form annexed, to The Regents of the University of California at Irvine, which would authorize the construction of the TRIGA Mark I type pulsing research reactor on the University's campus at Irvine, Calif. The proposed reactor will be operated at power levels up to 250 kilowatts (thermal).

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the application dated August 9, 1968, and amendment thereto, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of April 1969.

For the Atomic Energy Commission.

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

PROPOSED CONSTRUCTION PERMIT

1. By application dated August 9, 1968, and amendment thereto dated October 4, 1968 (hereinafter "the application"), The Regents of the University of California at Irvine (hereinafter "the University"), requested a Class 104 license authorizing construction and operation of the TRIGA Mark I type pulsing research reactor facility (hereinafter "the facility") on the University's campus in Irvine, Calif.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The facility will be used in the conduct of research and development activities of the types specified in Section 31 of the Act;

D. The University is financially qualified to construct the facility in accordance with the Commission's regulations contained in Title 10, Chapter 1, CFR;

E. The University and its contractor, Gulf General Atomic, Inc., are technically qualified to design and construct the facility;

F. The University has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public; and

G. The issuance of the proposed construction permit will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Regents of the University of California at Irvine to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is July 15, 1969. The latest completion date of the facility is December 15, 1969. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located on the site specified in the application on the University's campus in Irvine, Calif.

4. Upon completion of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the application up to date, upon finding by the Commission that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, upon execution of the indemnity agreement as required by section 170 of the Act and the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to the University pursuant to section 104c of the Act, which license shall expire thirty (30) years from the date of issuance of this construction permit, unless sooner terminated.

For the Atomic Energy Commission.

Date of issuance:

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

[F.R. Doc. 69-4624; Filed, Apr. 16, 1969; 9:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69-4-59]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Government Orders for Free and Reduced Transportation

Issued under delegated authority on April 11, 1969.

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

Subject to certain procedural provisions, the agreement would revalidate within the Western Hemisphere, for a 1-year period through March 31, 1970, a currently applicable resolution relating to the granting of free or reduced rate

transportation pursuant to Government orders.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that Resolution 100 (Mail 585) 200g, which is incorporated in the above-designated agreement, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 20903 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50 may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4559; Filed, Apr. 16, 1969; 8:51 a.m.]

[Docket No. 20758; Order 69-4-62]

PAN AMERICAN WORLD AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1969.

On February 24, 1969, Pan American World Airways, Inc. (Pan American), filed an application in Docket 20758 for amendment of its certificate for Route 136 to delete its authority to serve Tapachula and Tampico, Mexico. On the same date Pan American filed a motion for an order to show cause why its application should not be granted.[1]

No answers have been received.

We have decided to grant Pan American's motion and to issue a show cause order proposing to terminate Pan American's authority to serve Tapachula and Tampico.

In support of our tentative conclusion to grant the requested deletion, we tentatively find and conclude that, under the Air Transport Services Agreement between the United States and Mexico, Pan American is unable to serve Tapachula and Tampico; and that the requested deletion would have no adverse effect on the public or any other air carrier.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require the amendment of Pan American's certificate of public convenience and necessity for Route 136 to delete the intermediate points of Tapachula and Tampico, Mexico.

Interested persons will be given 20 days following service of this order to show cause why the foregoing tentative findings and conclusions should not be made final. We expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings stated herein and amending Pan American's certificate for Route 136 to delete the intermediate points of Tampico and Tapachula, Mexico;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or the certificate amendment set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon Pan American a statement of objections together with statistical data, and other evidence relied upon to support the stated objections; [2]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before future action is taken by the Board; and

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4560; Filed, Apr. 16, 1969; 8:51 a.m.]

[1] Pan American's authority to serve Tampico and Tapachula has been temporarily suspended until further order of the Board. Orders E-16364, served Feb. 13, 1961, and 69-2-134, dated Feb. 26, 1969.

[2] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of January 14, 1969

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on January 14, 1969.[1]

The information reviewed at this meeting suggests that expansion in real economic activity has been moderating, with slower growth in consumer outlays but higher rates of business inventory accumulation and capital expenditures. Upward pressures on prices and costs, however, are persisting. Since the mid-December firming of monetary policy, most interest rates have risen further and, with the outstanding volume of large-denomination CD's declining sharply, bank credit expansion has slowed. Growth in the money supply moderated somewhat on average in December from its rapid November pace. The U.S. foreign trade surplus remains very small but near the end of the year unusual capital inflows had a markedly favorable effect on the overall balance of payments. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets: *Provided, however,* That operations shall be modified, to the extent permitted by the forthcoming Treasury refunding, if bank credit expansion appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 9th day of April 1969.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 69-4482; Filed, Apr. 16, 1969; 8:45 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of Jan. 14, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FEDERAL COMMUNICATIONS COMMISSION

[Report 435]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 14, 1969.

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

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

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

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

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

5619-C2-P-69—Hancock Rural Telephone Corp.; (KLF493); C.P. to change the base frequency to 152.78 MHz at station located at 10 Maple Street, Markleville, Ind.

5944-C2-P-69—National Communications System, Inc.; (KMM704); C.P. to add frequency 454.275 MHz at station located at Fourth and I Streets, Sacramento, Calif.

5949-C2-P-69—ATS Mobile Telephone Inc.; (KBM512); C.P. to add a second channel to operate on frequency 152.06 MHz at station located at 3555 Farnam Street, Omaha, Nebr.

5950-C2-P-(3)-69—New York Telephone Co.; (New); C.P. for a new 1-way station to operate on frequency 152.84 MHz at location No. 1: 65 Franklin Street, Buffalo, N.Y.; location No. 2: 46 North Cayuga Road, Williamsville, N.Y., and location No. 3: 95 Tremont Street, Tonawanda, N.Y.

5957-C2-P-69—Kalama Telephone Co.; (New); C.P. for a new 1-way station to be located on China Gardens Road, 4.5 miles east of Kalama, Wash., to operate on frequency 152.84 MHz.

5958-C2-(2)-69—Imperial Communications Corp.; (KMA262); C.P. to add base frequency 152.03 MHz at location No. 1: Mount Soledad, San Diego, Calif., and location No. 2: 4285 Eastridge Drive, La Mesa, Calif.

5967-C2-P-69—Bledsoe Telephone Cooperative Corp.; (New); C.P. for a new 2-way station to be located atop Waldens Ridge, 3 miles east of Pikeville, Tenn., to operate on frequency 152.57 MHz.

5968-C2-P-69—Gainesville Mobile Telephone Co.; (New); C.P. for a new 2-way station to be located at Athens and Gaines Mill Roads, 2.5 miles southeast of Gainesville, Ga., to operate on frequency 454.200 MHz.

5969-C2-MP-69—Radar Paging Service; (KLF538); Modification of C.P. to relocate the antenna system to the water tower at the corner of Dodgion and Gudgell Avenue, Independence, Mo.

5970-C2-P-69—Walker County Telephone Co., Inc.; (KIQ507); C.P. to replace the transmitter operating base frequency 152.69 MHz and change the antenna system located at 0.75 mile southeast of LaFayette, Ga.

5971-C2-P-69—Santa Rosa Telephone Cooperative, Inc.; (KLB327); C.P. to relocate station facilities to center of town of Odell, Tex., operating on frequency 152.57 MHz.

5985-C2-ML-69—New England Telephone & Telegraph Co.; (KCC793); Modification of (Developmental) station license to change the frequency to 454.675 MHz at station located on Bear Hill, 1 mile west of Waltham, Mass.

6007-C2-MP-69—Souris River Telephone Mutual Aid Corp.; (KAI930); Modification of C.P. to change transmitters to operate on frequencies 152.69, 152.72, and 152.75 MHz. All other terms same as existing C.P.

6008-C2-MP-69—Souris River Telephone Mutual Aid Corp.; (KAI931); Same as above except, frequencies 152.51 and 152.78 MHz.

Major Amendment

2053-C2-P-69—McLean County Telephone Answering Service Inc.; (New); Change frequency to 152.24 MHz. All other particulars to remain the same as reported on public notice dated Oct. 7, 1968, Report No. 408 and Jan. 27, 1969, Report No. 424.

3702-C2-P-69—General Telephone Co. of Missouri; (New); Change frequency to 152.84 MHz. All other particulars to remain the same as reported on public notice dated Jan. 6, 1969, Report No. 421.

4148-C2-P-69—Airsignal International, Inc.; (New); To designate 8500 Zuni Street, Westminster, Colo. as location No. 1. Add location No. 2: Hotel Denver-Hilton, 1550 Court Place, Denver, Colo., to operate on 158.70 MHz. All other particulars remain same as reported on public notice dated Mar. 3, 1969, Report No. 429.

Correction

5713-C2-P-69—Tri-Cities Answering Service, Inc.; (New); Correct to read: 1-way station. All other particulars to remain same as reported on public notice dated Apr. 7, 1969, Report No. 434.

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

Licensee, State, and call sign

Siskiyou Mobilfone, California, KLP550.
All-Florida Communications Co., Florida, KIN643 (2-way).
All-Florida Communications Co., Florida, KIN645 (1-way).
Merrimac Mobile Communications Co., Massachusetts, KCA668.
Able Paging Service, South Carolina, KFL947.

RURAL RADIO SERVICE

5945-C1-P-69—General Telephone Co. of the Northwest, Inc.; (New); C.P. for a new rural subscriber station to be located at Mount Fanny, 13.7 miles southeast of Alicel, near La Grande, Oreg., to operate on frequency 157.83 MHz communicating with Station KFQ933, Alicel, Oreg.

RURAL RADIO SERVICE—continued

5951-C1-P/L-69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new station to be located at 26.6 miles west of Casper, Wyo., to operate on frequency 459.40 MHz communicating with Station KSV88, Casper, Wyo.

5952-C1-ML-69—The Mountain States Telephone & Telegraph Co.; (KSV88); Modification of license to add (the above-described station) new point of communication operating on 454.40 MHz. All other terms same as existing license authorization.

5959-C1-P/L-69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber station to be located at 6.2 miles east of Sargents, Colo., to operate on frequency 157.89MHz communicating with Station KAH667, near Monte Vista, Colo.

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

5946-C1-P-69—Wisconsin Telephone Co.; (KSO27); C.P. to add frequencies 5945.2 and 6063.8 MHz toward Viroqua, Wis., at station located at 0.5 mile northwest of Rising Sun, Wis.

5947-C1-P-69—Wisconsin Telephone Co.; (New); C.P. for a new fixed station to be located at 114 East Court, Viroqua, Wis., to operate on frequencies 5974.8 and 6093.5 MHz toward Rising Sun, Wis.

5960-C1-P/L-69—General Telephone Co. of the Southeast; (New); C.P. and license for a new fixed station to be located at 3007 Roxboro Road, Durham, N.C., to operate on frequency 5945.2 MHz toward Chapel Hill, N.C.

5961-C1-P-69—Carolina Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 719 McGilvary Street, Fayetteville, N.C., to operate on frequencies 3710 and 3790 MHz toward Montrose, N.C.

5962-C1-P-69—Carolina Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 0.9 mile southeast of Montrose, N.C., to operate on frequencies 3750 and 3830 MHz toward Fayetteville and Hamlet, N.C.

5963-C1-P-69—The Lincoln Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 521 Sixth Street, Fairbury, Nebr., to operate on frequencies 6204.7 and 6323.3 MHz toward Gladstone, Nebr.

5964-C1-P-69—The Lincoln Telephone & Telegraph Co.; (KBC94); C.P. to add frequencies 6011.9 and 6130.5 MHz toward Fairbury, Nebr., at station located at 0.75 mile east of Gladstone, Nebr.

5965-C1-P-69—The Lincoln Telephone & Telegraph Co.; (KBD51); C.P. to replace transmitters operating on frequencies 6234.3 and 6352.9 MHz toward York, Nebr., at station located at 2 miles west-southwest of Milford, Nebr.

5966-C1-P-69—The Lincoln Telephone & Telegraph Co.; (KBD50); C.P. to replace transmitters operating on frequencies 5982.3 and 6100.9 MHz toward Milford, Nebr., at station located at 5.5 miles south-southwest of York, Nebr.

5986-C1-P/ML-69—The Pacific Telephone & Telegraph Co.; (KMQ44); C.P. and modification of license for additional units to operate in the 5925-6425 and 10,700-11,700 MHz bands in any temporary fixed location within the territory of the grantee (Developmental).

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6006-C1-P-69—Microrelay of New Mexico, Inc.; (KLN76); C.P. to make antenna changes and change frequencies at station located 2 miles northeast of Corona, N. Mex. to 6212.0, 6241.7, 6271.4, 6330.7, and 6390.0 MHz toward Boy Scout Mountain, N. Mex., on azimuth 155°30'.

6010-C1-P-69—Microrelay of New Mexico, Inc.; (KLN77); C.P. to make antenna changes and change frequencies at station located 20 miles east-northeast of Capitan, N. Mex., to 5960.0, 6111.9, 6301.0, 6360.3, and 6419.6 MHz toward Roswell, N. Mex., on azimuth 111°10'.

[F.R. Doc. 69-4546; Filed, Apr. 16, 1969; 8:50 a.m.]

[Docket No. 18251 etc.; FCC 69R-163]

LOUIS VANDER PLATE ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Louis Vander Plate, Franklin, N.J., Docket No. 18251, File No. BP-16837; Radio New Jersey, Hackettstown, N.J., Docket No. 18252, File No. BP-16987; Mid-State Broadcasting Co., Lakewood, N.J., Docket No. 18253, File No. BP-17087; Lake-River Broadcasting Corp., Lakewood, N.J., Docket No. 18256, File No. BP-17485; Somerset Valley Broadcasting Co., Somerville, N.J., Docket No. 18257, File No. BP-17505; for construction permits.

1. This proceeding involves five applications, each for an authorization to construct a new standard broadcast station. The applications were designated for hearing upon specified issues by Memorandum Opinion and Order, 13 FCC 2d 952, 13 RR 2d 1040, released July 22, 1968.[1] Presently before the Review Board is a petition to enlarge issues, filed January 14, 1969, by the Broadcast Bureau, seeking the addition of an issue to this proceeding to determine whether Mid-State Broadcasting Co. (Mid-State) will be able to adjust and maintain its proposed directional antenna system within the specified maximum expected operating values (MEOV) of radiation.[2]

2. In support of its request, the Broadcast Bureau points to evidence which was adduced in this proceeding from December 16 to 18, 1968, under Issue 3 (pattern distortion) and which, it is alleged, uncovered facts not previously known.[3] Specifically, the Bureau notes the testimony of Mid-State's consulting engineer to the effect that, as a matter of good engineering practice, he would not want to suppress radiation in the null in the direction of 340° true below 10.5 mv/m in view of the power request (5 kw) of the applicant. Mid-State's engineer also testified that there would be no adverse distortion effects on the proposed antenna radiation pattern if, by detuning, he was able to hold reradiation to 5 mv/m and that, even considering reradiation factors, the directional array could be adjusted so as not to exceed the specified MEOV of 11 mv/m on the 340° azimuth. In light of this testimony, the Bureau reviewed the stability question and initiated a study of Mid-State's array which indicated that changes in current ratio and relative phase of 0.1 percent and 0.1° would raise the calculated field to 11.3 mv/m, which exceeds Mid-State's specified MEOV of 11.0 mv/m. The Bureau's study also revealed that similar changes of 0.2 percent and 0.2° would result in a calculated field of 12.05 mv/m thereby exceeding the MEOV by 1.05 mv/m. On the basis of its study and without considering external factors, the Bureau questions the stability of Mid-State's directional antenna array and notes that potential reradiation problems will further aggravate the situation.

3. Mid-State opposes the Bureau's request and contends, based upon an attached engineering affidavit, that the Mid-State array can be adjusted and maintained within the specified MEOV. It is the applicant's position that, after detuning the power line, the array can be adjusted in the presence of residual scattered reradiation to a value within the specified MEOV. According to Mid-State, the exact value of the MEOV toward Somerville, N.J., the location of Somerset Valley Broadcasting Co.'s proposed station, is not critical here and the MEOV can be increased if the conductivity indicated by measurements in the nearby area should prevail toward Somerville. Finally, the applicant urges that the matter of MEOV and maintenance of the directional array can best be reevaluated after measurement information on the actual conductivity from the proposed site becomes available and that, therefore, no useful purpose would be served by pursuing the matter in a comparative hearing. The Bureau, in reply, renews its request and points out that Mid-State has not attempted to re-

[1] By Memorandum Opinion and Order, FCC 69R-120, ____ FCC 2d ____, 15 RR 2d 907, released Mar. 12, 1969, the Review Board granted a joint petition for approval of agreement in this proceeding, dismissed the application of Arthur S. Steloff and granted the application of Seashore Broadcasting Co., Inc.

[2] Also before the Review Board are: (a) Opposition, filed Feb. 10, 1969, by Mid-State; (b) reply to opposition, filed Feb. 18, 1969, by the Broadcast Bureau; and (c) letters, dated Mar. 6, 1969, and Mar. 21, 1969, from Mid-State's counsel.

[3] The Bureau claims that good cause exists for the filing of the instant petition at this time since the transcript of the hearing record first became available on Jan. 2, 1969, and since the necessary evaluation and computer study were undertaken expeditiously. On the basis of this showing and in the absence of procedural objection by Mid-State, the Board will entertain the merits of the Bureau's petition.

but the factual basis for the Bureau's petition. The Bureau notes that, contrary to Mid-State's assumption, potential pattern distortion resulting from reradiation from nearby parasitic elements was not the substantive basis for its request although it was the reason which prompted the stability study. The Bureau argues that variations in the phase and current of as little as 0.1° and 0.1 percent will cause Mid-State to exceed its MEOV on the 340° radial without reference to the possible consequences of reradiation and to the possibility of interference to the Somerville proposal. According to the Bureau, these additional factors merely amplify the critical nature of the problem and, in view of an affirmative representation by the applicant and in the absence of an approved amendment, the only relevant value to be considered here is the 11 mv/m MEOV.

4. Mid-State's opposition fails to respond satisfactorily to the Bureau's allegations that variations in the parameters of the Mid-State directional array will result in radiation exceeding the MEOV specified by the applicant. As a result, a substantial question has been raised as to whether the applicant will be able to adjust and maintain its proposed directional antenna system within the specified MEOV and the Board agrees with the Bureau that the question should be resolved through the hearing process. Although Mid-State has filed an amendment to its application which deals with a proposed change in its transmitter site and which may affect the stability question considered herein,[4] that amendment has not yet been accepted by the Hearing Examiner. Therefore, the Board believes the appropriate course to follow in such circumstances is to act on the Bureau's request in order to avoid further delay in this proceeding.

5. *Accordingly, it is ordered*, That the petition to enlarge issues, filed January 14, 1969, by the Broadcast Bureau, is granted, and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Mid-State Broadcasting Co. will be able to adjust and maintain its proposed directional antenna system within the specified maximum expected operating values of radiation.

6. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein will be upon Mid-State Broadcasting Co.

Adopted: April 10, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

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

[F.R. Doc. 69-4547; Filed, Apr. 16, 1969; 8:50 a.m.]

[4] By letter, dated Mar. 6, 1969, counsel for Mid-State advised the Board that, previously, he informed the parties to the proceeding that the applicant no longer had reasonable assurance of the site proposed in its pending application and that Mid-State has obtained a new site which will be the subject of an amendment to be filed with the Hearing Examiner. In the March sixth letter, Mid-State's counsel also states that the applicant may incorporate a proposal to change the antenna pattern in the contemplated amendment which may moot the Bureau's requested issue. By letter, dated Mar. 21, 1969, counsel for Mid-State advised the Board that the proposed amendment was being filed on that date.

[5] Review Board Member Nelson not participating; Board Member Pincock absent.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1161]

CONTAINER FORWARDING SERVICES, INC.

Order of Revocation

By letter dated April 3, 1969, Container Forwarding Services, Inc., 79 Wall Street, New York, New York 10005, returned License No. 1161 as an Independent Ocean Freight Forwarder to the Commission for cancellation and advised business will be closed effective April 3, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03:

It is ordered, That the Independent Ocean Freight Forwarding License No. 1161 of Container Forwarding Services, Inc., be and is hereby revoked effective April 3, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER, *Director, Bureau of Domestic Regulations.*

[F.R. Doc. 69-4552; Filed, Apr. 16, 1969; 8:50 a.m.]

[Independent Ocean Freight Forwarder License 1189]

EUGENIO MIRELES

Order of Revocation

On February 27, 1969, the St. Paul Fire and Marine Insurance Co. notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. 400CB 2719, underwritten in behalf of Eugenio Mireles, Post Office Box 53447, Houston, Tex., would be canceled effective April 1, 1969.

Eugenio Mireles was notified that unless a new surety bond was submitted to the Commission, its Independent Ocean Freight Forwarder License No. 1189 would be canceled effective April 1, 1969, pursuant to General Order 4, Amendment 12 (46 CFR 510.9).

Eugenio Mireles 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. 1189 is revoked effective April 1, 1969; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 1189 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. 69-4553; Filed, Apr. 16, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 11, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 12, 1969, through April 21, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-4527; Filed, Apr. 16, 1969; 8:48 a.m.]

[81-95]

MASSACHUSETTS INDEMNITY & LIFE INSURANCE CO.

Notice of Application and Opportunity for Hearing

APRIL 10, 1969.

Notice is hereby given that Massachusetts Indemnity & Life Insurance Co. (Insurance Company), 654 Beacon Street, Boston, Mass., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act"), for an order exempting it from the registration provisions of section 12(g) of the Act. Ex-

emption from section 12(g) will have the additional effect of exempting the Insurance Company from section 13 or 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of the Insurance Company's capital stock from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding $1 million and a class of equity securities held of record initially by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuer from the registration, periodic reporting and proxy solicitations of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the securities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of the Insurance Company states, in part:

1. The Insurance Company, as of its last fiscal year, December 31, 1968, had more than 500 stockholders and it was exempted from section 12(g) by section 12(g)(2)(G) as a regulated insurance company. It does file reports pursuant to section 15(d).

2. During January 1969, as the result of a cash tender offer, most of the Insurance Company stock, of which there is a single class outstanding, was acquired by Pennsylvania Life Co. (PLC). As of February 28, 1969, PLC owned beneficially 98 percent of the shares outstanding and the Insurance Company had 277 shareholders of record.

3. In order to qualify for an exemption under section 12(g)(2)(G) the Insurance Company must meet three conditions. One of these, the second condition, requires regulation of proxies by the Insurance Company's domiciliary State. The pertinent Massachusetts provision is found in Massachusetts General Laws, Chapter 175, section 193J. However, this section exempts from its operation "a domestic insurance company having * * * ninety-five percent of its stock owned or controlled by a parent or affiliate insurer and the remaining shares held by less than five hundred stockholders."

4. Since the applicant no longer seems to be subject to the Massachusetts proxy provision, a question is raised as to whether the Insurance Company is any longer "subject to regulation" of proxies by the State within the meaning of the second condition of the section 12(g)(2)(G) exemption.

5. If the applicant is no longer exempt under section 12(g)(2)(G) then, it should register pursuant to section 12(g)(1)(B) within 120 days after December 31, 1968, when it did have 500 stockholders. Accordingly, an exemptive order is being applied for in order to remove any question of violation of section 12(g) on the grounds that the Insurance Company lost its exemption sometime in January 1969.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person not later than April 28, 1969, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 69-4526; Filed, Apr. 16, 1969; 8:48 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

APRIL 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 14, 1969, through April 23, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-4528; Filed, Apr. 16, 1969; 8:48 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

APRIL 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation), and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1969, through April 22, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-4529; Filed, Apr. 16, 1969; 8:48 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

APRIL 11, 1969.

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

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 12, 1969, through April 21, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-4530; Filed, Apr. 16, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 6]

ASSISTANT ADMINISTRATOR (COMPTROLLER)

Delegation of Financial Activities

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; there is hereby dele-

gated to the Assistant Administrator (Comptroller) the following authority:

A. *Financial management.* To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

B. *Claims under the Federal Tort Claims Act.* To give final approval on actions resulting from any claims subject to the provisions of 28 U.S.C. 2672.

II. The authority delegated herein may be redelegated with the exception of Item I.B.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Assistant Administrator (Comptroller).

IV. All authority previously delegated by the Administrator to the Assistant Administrator for Administration is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date thereof.

Effective date: March 17, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-4516; Filed, Apr. 16, 1969; 8:48 a.m.]

[Delegation of Authority No. 7 (Revision 1)]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Administrative Activities; Rescission

Notice is hereby given that Delegation of Authority No. 7, Revision 1, 32 F.R. 179, as amended (33 F.R. 779) is hereby rescinded in its entirety without prejudice to actions taken under such delegations of authority prior to the date hereof. These delegations have been superseded by Delegations of Authority Nos. 6 and 9 given by the Administrator to new positions of Assistant Administrator (Comptroller) and Assistant Administrator for Management, which replaced the position of Assistant Administrator for Administration.

Effective date: March 17, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-4515; Filed, Apr. 16, 1969; 8:48 a.m.]

[Delegation of Authority No. 9]

ASSISTANT ADMINISTRATOR FOR MANAGEMENT

Delegation of Administrative Activities

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; there is hereby delegated to the Assistant Administrator for Management the following authority:

A. *Administrative services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

3. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

II. All authority delegated herein may be exercised by an SBA employee designated as Acting Assistant Administrator for Management.

III. All authority previously delegated by the Administrator to the Assistant Administrator for Administration is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: March 17, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-4514; Filed, Apr. 16, 1969; 8:47 a.m.]

MERCHANTS INVESTMENT CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On March 28, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 5883) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Merchants Investment Corp., License No. 05/04-0014, 4531 Daley Street, Charleston Heights, S.C. 29411, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. sec. 661 et seq.).

Interested persons were given until the close of business April 7, 1969, to submit to SBA their written comments. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Merchants Investment Corp., a wholly owned subsidiary of Thomas and Howard Company of Charleston, Inc., to Wetterau Foods, Inc., 8400 Pershall Road, Hazelwood, Mo.

For SBA.

Dated: April 9, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4517; Filed, Apr. 16, 1969; 8:48 a.m.]

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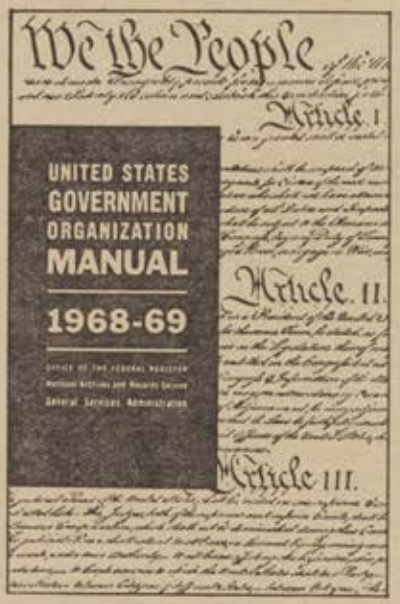

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