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PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Chief, Children's Bureau, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (o) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(5) One Confidential Assistant to the Chief, Children's Bureau.

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

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

[F.R. Doc. 69-4812; Filed, Apr. 22, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the positions of Staff Assistant to the Under Secretary and Special Assistant to the Director of Public Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (38) and (39) are added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(38) One Staff Assistant to the Under Secretary.

(39) One Special Assistant to the Director of Public Affairs.

* * * * *

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

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

[F.R. Doc. 69-4813; Filed, Apr. 22, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

Basis and purpose. The following amendment is issued to change the method by which certificate costs are determined on Durum wheat exported on and after August 1, 1969, and to make other miscellaneous changes to the regulations.

(a) The amendment provides for the determination of certificate costs on Durum wheat exported on and after August 1, 1969, on the same basis as is now provided for other classes of wheat, i.e., on the basis of rates announced by the Department instead of on the basis of rates proposed by the exporter in his report of intention to export. The change has been recommended by many exporters and producers of Durum wheat. It should make the regulations easier for exporters to understand, simplify program administration, and encourage greater participation by small exporters in the program. It is anticipated that under the new provision, the level of exports on Durum wheat will continue the upward trend that has been occurring in the last number of years. The method of determining certificate costs for Durum wheat to be exported before August 1, 1969, is unchanged.

(b) This amendment also changes the time of day at which reports of intention to export wheat must be filed with the Department. The change results from requests made by many exporters so that they would have additional time to contract with foreign buyers during the day on the basis of rates announced by the Department that same day.

(c) The amendment increases the interest rate from 6 to 8 percent for certificates acquired from CCC later than the 15th calendar day after the date of exportation in view of recent increases in the commercial rates of interest and in the cost of money to the Treasury.

(d) The amendment also makes changes in the delegations of authority in the regulations to transfer administration of the regulations to the Export Marketing Service from Agricultural Stabilization and Conservation Service and contains other minor modifications.

These requirements must be acted upon immediately by exporters who may wish to export Durum wheat after July 31, 1969, inasmuch as export sales occur in advance of exportation and it is desired to assure that forward sales of Durum wheat from the United States will be competitive in world markets, and the amendments are otherwise needed immediately for the effective administration of the program. Accordingly, it is hereby found and determined that the notice, public procedure and 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and this amendment shall be effective as hereinafter provided. General details of this amendment which affect exports of Durum wheat were, however, discussed with those exporters who have exported Durum wheat under these regulations or under GR-345 in the last year and each exporter has been afforded an opportunity to furnish written comments. A revision of the regulations will appear in the FEDERAL REGISTER at a later date at which time the regulations will be appropriately codified under a chapter of the Code of Federal Regulations for the Export Marketing Service.

The Export Wheat Marketing Certificate Regulations (32 F.R. 14727 and 16251, as amended by 33 F.R. 10183) are hereby amended as follows:

1. This Part 778 is amended by changing "Director" (except Director of the Kansas City ASCS Commodity Office) wherever it appears to read "Assistant Sales Manager."

2. Section 778.2 *Administration* is revised to read as follows:

§ 778.2 Administration.

The regulations of this part will be administered in Washington, D.C. by the Export Marketing Service (hereinafter referred to as "EMS") and in the field by the Kansas City ASCS Commodity Office. The Commodity Credit Corporation (hereinafter referred to as "CCC") will assist in carrying out the regulations through the issuance, sale and purchase of export certificates. Information pertaining to these regulations may be obtained from the Assistant Sales Manager, Commodity Exports, EMS, U.S. Department of Agriculture, Washington, D.C. 20250.

§§ 778.3, 778.5, 778.7, 778.9 [Amended]

3. Section 778.3 *Definitions* is amended by deleting paragraph (a) and by changing paragraphs (f) and (i) to read as follows:

(f) "Assistant Sales Manager" means the Assistant Sales Manager, Commodity Exports, EMS, Washington, D.C., or his designee.

* * * * *

(i) "General Sales Manager" means the General Sales Manager, EMS, or his designee.

4. Sections 778.3(q), 778.7 (a)(2) and (b)(2) (ii) and (ix), and 778.9 (a)(3) and (b) are amended by changing the time "4:00 p.m." to read "3:30 p.m." and the time "4:01 p.m." to read "3:31 p.m."

5. Section 778.5 *Requirement for Export Certificates* paragraph (b)(3) is amended by changing the word "Administrator," wherever it appears, to "General Sales Manager" and paragraph (c)(2) is amended by changing the rate of interest from 6 percent per annum to 8 percent per annum.

6. Section 778.8 is amended by changing the third sentence of paragraph (d)(2) to read as follows: "During such 5-day period, the General Sales Manager will not recognize, for the purposes of this section and for financing under Public Law 480, any new sale between the same exporter and foreign buyer in substitution of the original transaction."

7. Section 778.9 is amended by changing the time "5:30 p.m." in (c)(1) to read "4:30 p.m." and by adding a new paragraph (i) to read as follows:

(i) *Exports of Durum wheat on and after August 1, 1969.* (1) Notwithstanding any other provision of this part, an exporter who wishes to export on and after August 1, 1969, Durum wheat not exempt under § 778.5(b) from export certificate requirements (other than an export of Durum wheat pursuant to a sale under GR–261 or Public Law 480 or a sale as described in § 778.8(a)(1)(ii) and other than an export of Durum wheat for an export payment under GR–345) shall submit to the Assistant Sales Manager a report of intention to export in accordance with the requirements of § 778.7. The provisions of § 778.7 and any other provisions of this part applicable to an exporter who exports wheat (other than the provisions covering exports of Durum wheat before August 1, 1969, and wheat pursuant to a sale under Public Law 480 or a sale as described in § 778.8(a)(1)(ii)) shall apply to an exporter of Durum wheat as described in the preceding sentence.

(2) Notwithstanding any other provision of this part, an exporter who wishes to export on and after August 1, 1969, Durum wheat pursuant to a sale under Public Law 480 or a sale as described in § 778.8(a)(1)(ii) (other than an export of Durum wheat for an export payment under GR–345 or an export pursuant to a sale under GR–261) shall submit to the Assistant Sales Manager a report of intention to export in accordance with the requirements of § 778.8. The provisions of § 778.8 and any other provisions of this part applicable to an exporter of wheat (other than Durum wheat) pursuant to a sale under Public Law 480 or a sale as described in § 778.8(a)(1)(ii) shall apply to an exporter of Durum wheat as described in the preceding sentence.

(Secs. 379a–379j, 52 Stat. 31, as amended, sec. 5, 62 Stat. 1070, sec. 102, 68 Stat. 454, as amended; 7 U.S.C. 1379a–1379j, 15 U.S.C. 714c, 7 U.S.C. 1702)

Effective date. This amendment shall become effective at 4:01 p.m., e.s.t., on April 23, 1969.

Signed at Washington, D.C., on April 18, 1969.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 69–4848; Filed, Apr. 18, 1969; 4:24 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

MISCELLANEOUS AMENDMENTS

In order to change the method by which exporters enter into contracts with the Commodity Credit Corporation for export payments on Durum wheat exported on and after August 1, 1969, and to make miscellaneous changes in the program regulations, the Wheat Export Program (GR–345) Terms and Conditions (32 F.R. 14739 and 32 F.R. 16251 as amended by 33 F.R. 10185) are hereby amended as follows:

1. This subpart is amended by changing "Director" (except Director, Kansas City ASCS Commodity Office) wherever it appears to read "Assistant Sales Manager."

§ 1483.101 [Amended]

2. Section 1483.101 *General statement* is amended by changing the next to the last sentence to read: "This program will be administered in Washington, D.C., by the Export Marketing Service, U.S. Department of Agriculture and in the field by the Kansas City ASCS Commodity Office."

§ 1483.102 [Amended]

3. Section 1483.102 *General conditions of eligibility* paragraph (a) is amended by changing the second sentence to read: "Export payments on Durum wheat exported before August 1, 1969, shall be based on the export payment rate contained in an offer submitted to and accepted by CCC. Export payment rates on other classes of wheat and on Durum wheat exported on and after August 1, 1969, shall be based on rates announced by CCC."

§§ 1483.104, 1483.106, 1483.111, 1483.131, 1483.151 [Amended]

4. Sections 1483.104, 1483.106(t), 1483.111(b)(2) and (8), 1483.131(b) and 1483.151 (a) and (b)(5) are amended by changing the time "4:00 p.m." to read "3:30 p.m." and the time "4:01 p.m." to read "3:31 p.m."

5. Section 1483.106 *Definition of terms* is amended by deleting paragraph (r) and changing paragraphs (f) and (j) to read as follows:

(f) "Assistant Sales Manager" means the Assistant Sales Manager, Commodity Exports, Export Marketing Service, Washington, D.C., or his designee.

* * * * *

(j) "General Sales Manager" means the General Sales Manager, Export Marketing Service, or his designee.

6. Section 1483.131 *Notice of sale* is amended by changing the third sentence of paragraph (e) to read as follows: "During such 5-day period, CCC will not recognize, for the purpose of §§ 1483.130 to 1483.139 and for financing under Public Law 480, any new sale between the same exporter and foreign buyer in substitution of the original transaction."

§ 1483.152 [Amended]

7. Section 1483.152(a) is amended by changing the time "5:30 p.m." to read "4:30 p.m."

8. A new § 1483.157 is added as follows:

§ 1483.157 Durum wheat exported on and after August 1, 1969.

(a) Notwithstanding any other provision of this subpart, an exporter who wishes to receive an export payment on an export of Durum wheat on and after August 1, 1969 (other than on an export pursuant to a sale under Public Law 480 or a sale as described in § 1483.130(b)), shall submit an offer to export the Durum wheat in accordance with the requirements of § 1483.111. The provisions of §§ 1483.110 through 1483.116 and any other provision of this subpart applicable to an exporter who wishes to receive an export payment on an export of wheat (other than the provisions covering exports of Durum before August 1, 1969, and exports pursuant to a sale under Public Law 480 or a sale as described in § 1483.130(b)), shall apply to an exporter of Durum wheat as described in the preceding sentence.

(b) Notwithstanding any other provision of this subpart, an exporter who wishes to receive an export payment on an export of Durum wheat on and after August 1, 1969, pursuant to a sale under Public Law 480 or a sale as described in § 1483.130(b), shall file an offer to export the Durum wheat consisting of a notice of sale as provided in § 1483.131. The provisions of §§ 1483.130 through 1483.139 and any other provision of this subpart applicable to an exporter who wishes to receive an export payment on an export of wheat other than Durum wheat pursuant to a sale under Public Law 480 shall apply to an exporter of Durum wheat as described in the preceding sentence.

§ 1483.185 [Amended]

9. Section 1483.185 *Place of submission of offers and reports* is amended by changing the address in paragraph (a) to read as follows:

Assistant Sales Manager, Commodity Exports, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 1483.187 [Amended]

10. Section 1483.187 *ASCS offices and General Sales Manager offices* is

amended by changing the subtitle "Foreign Agricultural Service—General Sales Manager" to read "Export Marketing Service—General Sales Manager."

§ 1483.190 [Amended]

11. Section 1483.190 is amended by deleting the words Vice President from the title and in the first sentence.

(Secs. 4, 5, 62 Stat. 1070, 1072, sec. 102, 68 Stat. 454, as amended, sec. 407, 63 Stat. 1051, as amended; 15 U.S.C. 714 b, c, 7 U.S.C 1702, 7 U.S.C. 1427)

Effective date. This amendment shall become effective at 4:01 p.m., e.s.t., on April 23, 1969, but shall not affect any contracts between exporters and CCC entered into prior to such time.

Signed at Washington, D.C., on April 15, 1969.

CLIFFORD G. PULVERMACHER,
General Sales Manager,
Export Marketing Service.

[F.R. Doc. 69-4849; Filed, Apr. 22, 1969; 4:24 p.m.]

[Amdt. 2]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program (GR-346) Terms and Conditions

The terms and conditions of the Flour Export Program (GR-346) (33 F.R. 15633 and 33 F.R. 16071) as amended (34 F.R. 609) are hereby amended as follows:

1. Sections 1483.205, 1483.206(c), 1483.207(b), 1483.232(c), 1483.253(l) and 1483.286 are amended by changing "Director" to read "Assistant Sales Manager."

2. Section 1483.201 *General statement* is amended by changing the next to the last sentence to read: "This program will be administered in Washington, D.C., by the Export Marketing Service, U.S. Department of Agriculture and in the field by the Kansas City ASCS Commodity Office."

3. Sections 1483.204, 1483.207(q) and 1483.231(b) are amended by changing the time "4:00 p.m." to read "3:30 p.m." and the time "4:01 p.m." to read "3:31 p.m."

4. Section 1483.204 is further amended by changing the term "Foreign Agricultural Service" to read "Export Marketing Service."

5. Section 1483.207 is further amended by deleting paragraph (p) and by changing paragraphs (e) and (j) to read as follows:

(e) "Assistant Sales Manager" means the Assistant Sales Manager, Commodity Exports, Export Marketing Service, Washington, D.C., or his designee.

* * * * *

(j) "General Sales Manager" means the General Sales Manager, Export Marketing Service, or his designee.

6. Section 1483.285 *Place of submission of offers and reports* is amended by changing the address in paragraph (a) to read as follows:

Assistant Sales Manager, Commodity Exports, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

7. Section 1483.287 *ASCS offices and General Sales Manager offices* is amended by changing the subtitle "Foreign Agricultural Service—General Sales Manager" to read "Export Marketing Service—General Sales Manager."

8. Section 1483.290 is amended by changing the title to read "Written approval by the Assistant Sales Manager or Contracting Officer" and by deleting "Vice President" and changing "Director" to read "Assistant Sales Manager" in the first sentence.

(Secs. 4 and 5, 62 Stat. 1070 and 1072, sec. 102, 68 Stat. 454, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1702)

Effective date. This amendment shall become effective at 4:01 p.m., e.s.t., on April 23, 1969, but shall not affect any contracts between exporters and CCC entered into prior to such time.

Signed at Washington, D.C., on April 15, 1969.

CLIFFORD G. PULVERMACHER,
General Sales Manager,
Export Marketing Service.

[F.R. Doc. 69-4850; Filed, Apr. 18, 1969; 4:24 p.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Consideration of Ultimate Power Level for Power Reactors

On February 14, 1967, the Atomic Energy Commission published in the FEDERAL REGISTER (32 F.R. 2851) a proposed amendment to § 50.34 of 10 CFR Part 50, "Licensing of Production and Utilization Facilities", which would require an applicant for a facility construction permit to include, in the preliminary safety analysis report, an analysis and evaluation of the major systems and components of the facility which bear significantly on the acceptability of the site under the site evaluation factors identified in 10 CFR Part 100, assuming that the facility will be operated at the ultimate power level which is contemplated by the applicant. All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the comments received and other factors involved, the Commission has adopted the amendment set out below, which is identical with the proposed amendment published February 14, 1967, except for a few minor changes to conform to the amendments of § 50.34 published in the FEDERAL REGISTER on December 17, 1968 (33 F.R. 18610).

In recent years, many applications for construction permits for power reactors have set forth two figures for operating power levels. The lower figure, that guaranteed to the utility by the manufacturer, is the one supported by the specific design data and analysis set forth in the application. The higher figure is the one expected to be achieved ultimately, but for which justification depends upon experience gained and data developed during operations at the lower power level. Some applications contain no supporting data for the higher figure and merely reference it as a projection which would be the subject of an application for license amendment after the initial operation of the facility had demonstrated its capability to operate safely at the higher power. Other applications extrapolate data from the lower design values to form the bases for the design capacity of the engineered safeguards and other components at the higher level. Because of the absence of adequate data to support operation at the higher capacity, the Commission's finding that there is reasonable assurance that the proposed facility can be constructed and operated at the proposed site without endangering public health and safety has necessarily been limited to operation at the lower power level, and that level is specified in the construction permit which is then issued.

The amendment of § 50.34 of Part 50 which follows requires an applicant for a facility construction permit to include, in the preliminary safety analysis report, an analysis and evaluation of the major structures, systems and components of the facility which bear significantly on the acceptability of the site under the site evaluation factors identified in 10 CFR Part 100, assuming that the facility will be operated at the ultimate power level which is contemplated by the applicant. The amendment thus permits evaluation of all major systems and components at the construction permit stage, to the extent permitted by available information.

The power level specified in the construction permit would depend upon the adequacy of the information which the applicant is then able to provide.

Under present technology, it is expected that the power level designated initially in a construction permit will normally be the lower figure. The amendment, however, will not prejudice future requests for increases in power level, whether because of changes in technology or for other reasons.

The amendment in no way changes the nature of the Commission review of each facility at the operating license stage. This review assures that, irrespective of the power level specified in the construction permit, no license will be issued authorizing operation at that power level, or any other, until the applicant has demonstrated that the final design of the facility provides reasonable assurance that the health and safety of

the public will not be endangered by operation of the facility.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 50 is published as a document subject to codifications to be effective 30 days after publication in the FEDERAL REGISTER.

Paragraph (a)(1) of § 50.34 is 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 to be included shall consist of the following:

(1) A description and safety assessment of the site on which the facility is to be located, with appropriate attention to features affecting facility design. Special attention should be directed to the site evaluation factors identified in Part 100 of this chapter. Such assessment shall contain an analysis and evaluation of the major structures, systems and components of the facility which bear significantly on the acceptability of the site under the site evaluation factors identified in Part 100 of this chapter, assuming that the facility will be operated at the ultimate power level which is contemplated by the applicant. With respect to operation at the projected initial power level, the applicant is required to submit information prescribed in subparagraphs (2)–(8) of this paragraph, as well as the information required by this subparagraph, in support of the application for a construction permit.

* * * * *

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

Dated at Washington, D.C., this 17th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4866; Filed, Apr. 22, 1969; 8:52 a.m.]

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Transfer of Products Containing Byproduct Material and Source Material Exempted From Licensing and Regulatory Requirements

On February 24, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 3346) a proposed amendment to 10 CFR Part 150 which would redefine the category of products containing radioactive materials over whose transfer by the manufacturer, processor, or producer in an Agreement State the Commission retains jurisdiction. The notice of proposed rule making was published in the FEDERAL REGISTER once each week for four consecutive weeks, allowing 60 days for public comment after initial publication.

After consideration of the comments and other factors involved, the Commission has adopted the proposed amendment. The text of the effective rule is the same as the proposed rule except for clarifying changes of language.

Subsection 274c of the Atomic Energy Act of 1954, as amended, provides that notwithstanding any agreement between the Atomic Energy Commission and any State, the Commission is authorized to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

In issuing 10 CFR Part 150, which implemented certain provisions of section 274 of the Act, in 1962, the Commission exercised its authority under subsection 274c of the Act by providing (§ 150.15(a)(6)) that persons in Agreement States are not exempt from the Commission's licensing requirements with respect to * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

In retaining regulatory authority over transfer of products "intended for use by the general public", the Commission was seeking to maintain surveillance over the safety of products containing radioactive materials, without the imposition of regulatory controls, and to be able to assess the effect of the attendant uncontrolled addition of these radioactive materials to the environment.

In view of the increasing difficulty in determining whether or not such products are intended for use by the general public, the Commission has adopted the amendment of Part 150 set out below, which changes § 150.15(a)(6) by deleting the phrase "product * * * intended for use by the general public" and substituting therefor the phrase "product * * * whose subsequent possession, use, transfer and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter."

Under Part 150 as amended below the transfer of possession or control by a manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material or source material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from Commission licensing and regulatory requirements under Parts 30 and 40, is not subject to the licensing and regulatory authority of an Agreement State even though the product is manufactured, processed, or produced pursuant to an Agreement State license. The manufacturer of such products in an Agreement State is subject to the Commission's regulatory authority with respect to transfer of any product which has been so exempted from the Commission's licensing and regulatory requirements. The Commission has confined its regulation of the transfer of exempt products to specifications for the products, quality control procedures, requirements for testing, and labeling. The authority of Agreement States to regulate any radiation hazards that might arise during manufacture of such products is not affected by the amendment. Accordingly, dual regulation will continue to be avoided.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 150, is published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 150.15(a)(6) is amended to read as follows:

§ 150.15 Persons not exempt.

(a) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

* * * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

Dated at Washington, D.C., this 9th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4519; Filed, Apr. 15, 1969; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-EA-32; Amdt. 39-756]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to DeHavilland DHC-6 type airplanes.

There have been reports of cracks of elevator and rudder pulley bracket beams, the failure of which could cause loss of the flight controls. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a daily visual inspection of the referenced parts and replacement where necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that public procedure and notice hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DEHAVILLAND. Applies to DeHavilland DHC-6 type airplanes certificated in all categories.

To prevent loss of the flight controls compliance is required prior to the next flight and at daily intervals thereafter as follows:

(a) Visually inspect the elevator rudder pulley bracket assembly at F.S. 106 specifically at the forward flange on the top and bottom beams P/Ns C6FS1263-27 and -29 outboard of the outboard lightening hole for cracks or deformation. Replace cracked or deformed parts before further flight.

(b) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA Maintenance Inspector.

This amendment is effective April 30, 1969, and was effective upon receipt by all recipients of the telegram dated February 14, 1969, which contained this amendment.

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

Issued in Jamaica, N.Y., on April 14, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4800; Filed, Apr. 22, 1969; 8:48 a.m.]

[Airspace Docket No. 69-CE-1]

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

Designation of Control Zone and Alteration of Transition Area

On pages 4894 and 4895 of the FEDERAL REGISTER dated March 6, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Mount Vernon, Ill., and alter the transition areas at Mount Vernon, Ill., and Centralia, Ill.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Mount Vernon-Outland Airport coordinates recited in the Mount Vernon control zone designation and transition area alteration as "latitude 38°19'15" N., longitude 88°51'40" W." are changed to read "latitude 38°19'20" N., longitude 88°51'35" W."

This amendment shall be effective 0901 G.m.t., May 29, 1969.

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

Issued in Kansas City, Mo., on April 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

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

MOUNT VERNON, ILL.

Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial extending from the 5-mile radius zone to 17 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

MOUNT VERNON, ILL.

(a) That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial, extending from the 6-mile radius area to 17 miles southwest of the VOR.

CENTRALIA, ILL.

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

[F.R. Doc. 69-4801; Filed, Apr. 22, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-573; Amdt. 8]

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

Notice of Nonstop Service to or From South America

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1969.

In a notice of proposed rule making dated February 18, 1969 (EDR-156, 34 F.R. 2565), the Board proposed to amend Part 203 by eliminating the necessity for filing nonstop notices with respect to the inauguration of nonstop service to or from a point in South America.

Interested persons were afforded an opportunity to participate in the rule making. No comments were received. Therefore, the Board will now make final the rule as proposed.

Accordingly, the Board hereby amends Part 203 of the Economic Regulations (14 CFR Part 203), effective May 23, 1969, as follows:

1. Amend § 203.3 to read:

§ 203.3 Nonstop service.

The holder of a certificate may, subject to the provisions of section 405(b) of the Act, inaugurate scheduled nonstop service between any two points not consecutively named in its certificate or approved service plan (if such certificate or approved service plan authorizes service between such points and does not prohibit nonstop service between them) upon the effective date of a schedule page, showing nonstop service, filed with the Board in accordance with Part 231 of this chapter.

2. Amend § 203.4 to read:

§ 203.4 Requirements of foreign countries.

(a) If at any time the holder of a certificate is required, in order to comply with any obligation, duty, or liability imposed by any foreign country (other than any obligation, duty, or liability arising out of a contract or other agreement entered into between an air carrier or any officer, or representative thereof, and any foreign country, if such contract or agreement shall have been disapproved by the Board as being contrary to the public interest)—

(1) [Deleted]

(2) To add a stop at a point not named in the certificate, or not included in the approved service plan, and situated in such foreign country; or

(3) To change the terminal point in such foreign country;

such holder shall file with the Board written notice of such requirement.

(b) Such notice shall be filed within 20 days after the air carrier shall have been advised of such requirement, shall

be conspicuously entitled "Notice of Additional Stop Required by Foreign Country" or "Notice of Terminal Change Required by Foreign Country", as the case may be, and shall fully set forth the facts and circumstances relating to such requirement. At the time such notice is filed with the Board, a copy thereof shall be served by the holder upon such persons as the Board may require. Such service may be inaugurated immediately upon the filing of such notice and may be continued unless and until the Board, after notice and public hearing, shall disapprove such service as being contrary to the public interest, or unless and until the Board shall find, after investigation, that such requirement of the foreign country is not in effect.

3. Amend § 203.7 to read in part as follows:

§ 203.7 Persons upon whom notice must be served.

A copy of each Application for Change in Approved Service Plan—Foreign Air Transportation, Airport Notice—Foreign Air Transportation, Notice of Additional Stop Required by Foreign Country, Notice of Terminal Change Required by Foreign Country, or application for permission to use an airport, as the case may be, filed with the Board pursuant to this part by the holder of a certificate of public convenience and necessity, shall be served upon the following:

* * * * *

(e) [Deleted]

* * * * *

4. Amend § 203.8(a) to read:

§ 203.8 Filing and service of documents; procedures thereon; petitions for reconsideration.

(a) *Number of copies and certificate of service.* An original and three copies of each Approved Service Plan—Foreign Air Transportation, Notice of Additional Stop Required by Foreign Country, Notice of Terminal Change Required by Foreign Country, and Airport Notice—Foreign Air Transportation, and an original and 19 copies of each application shall be filed with the Board each setting forth the names and addresses of the persons required to be served and stating that service has been made on all such persons by personal service or by registered or certified mail, and the date of such service. In the case of service by mail, the date of mailing shall be considered the date of service. Each copy of a notice or application served pursuant to this part shall state that such service is made pursuant to this part.

* * * * *

(Secs. 204(a), 401, 402, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 754 (as amended by 76 Stat. 143), 757; 49 U.S.C. 1324, 1371, 1372)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-4818; Filed, Apr. 22, 1969; 8:49 a.m.]

[Reg. ER-568; Amdt. 9]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR-145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214, and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents. The Board has given consideration to all comments presented. For the reasons hereafter set forth and those announced in EDR-145, we have decided to adopt the proposed rule, the purpose of which is to make available to the Board information necessary to assure compliance of all carriers with the Board's charter regulations and their own published tariffs. The tentative findings set forth in the explanatory statement to the proposed rule are incorporated herein by reference and made final.

Turning to foreign air carrier comments in opposition to the proposed rule,[1] they contend that since the record retention provision in the Act (section 407) applies only to U.S. carriers, Congress inferentially meant to deny the Board power to require any record retention by foreign carriers. It is further argued that to amend Part 212 is to amend in effect their foreign carrier permits as Part 212 is incorporated by reference into these permits—and that such amendment must take the path of notice, hearing, and Presidential approval as set forth in sections 402 and 801.[2] We find these contentions to be unpersuasive. The Board has previously answered these objections in ER-519,[3] where it stated: "The fact that foreign air carriers are not included within the broad scope of the Board's accounting, reporting, and visitation powers in section 407 does not preclude us from obtaining minimal information as to the extent of operations under the permits granted. Each foreign air carrier's permit specifically provides that the exercise of the privileges granted thereby shall be subject 'to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.'" We are therefore of the opinion that the reserved powers under the permit read in conjunction with the Board's broad rule making authority under section 204(a) provide a valid basis of authority to require these records be retained by foreign carriers. Additionally, "[t]he proposed rule affects an entire class of carrier, and the subject matter is of the type which is typically dealt with in rule making proceedings. The rule does not affect the basic operating authority of the carrier, but merely seeks to prescribe relatively minor conditions to the exercise of the operating authority."[4]

Certain foreign air carriers also maintain that Part 212 is not properly applicable to on-route charters, was not intended to have relevance to on-route charters, and cannot over objection by foreign air carriers be expanded to cover these charters in the manner proposed. Thus, it is said that on-route charters have consistently been regarded as part of the rights granted to carriers in foreign air carrier permits issued pursuant to bilateral air transport agreements, and this principle cannot be vitiated simply by "unilateral" rule making.

It is true that Part 212 is concerned primarily with regulation of off-route charters, although certain provisions of this part do affect on-route charters as well.[5] However, the amendments involved here do not impinge on the right of carriers to conduct on-route charters. Instead, they are intended to assure that the carriers do not abuse their right to conduct on-route charters by performing what are essentially individually ticketed services in the guise of charter services. Moreover, the retention of these names and addresses will enable the Board to police the carriers' compliance with their published tariffs which set forth specific rates for "charter" flights. If these rates are used for services other than true charters, questions arise not only as to violation by the direct air carrier of sections 403 and 404(b) of the Act but also as to violation by the chartering group of section 401 of the Act. It is our view that the retention requirements are fully within our rule making powers as reasonable provisions to enable the Board to perform its statutory duty to enforce these sections of the Act.

All nine objecting foreign carriers maintain that this rule is unnecessary and will create burdensome paperwork at a time when efforts are being made to reduce costs and delays and simplify paperwork in the face of the rapidly growing volume of air traffic. The information sought by this rule has been required of transatlantic supplemental carriers and foreign charter carriers. The requirements have not proved burdensome for these two classes of carriers and

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[1] Nine foreign carriers filed such comments: Swissair, SABENA, JAL, KLM, El Al, SAS, Iberia, Varig, and Linea Aerea Nacional de Chile.

[2] JAL has made a related argument that by the rule herein the Board is also indirectly and illegally amending JAL's published tariff.

[3] Adopted Nov. 22, 1967.

[4] ER-519, supra.

[5] See §§ 212.3a and 212.7. The amendments enacting these sections automatically required the elimination of "Off-Route" in the title to the part, since it was longer descriptive.

no evidence is presented that would indicate any real burden on the objecting foreign carriers.

Sabena and KLM object that in the case of foreign originated charters the Board is attempting to exercise extraterritorial jurisdiction over transactions taking place outside the United States—and that it is questionable whether the Board has such power. The Act empowers the Board to regulate activities in foreign air transportation which bear on the public interest and this rule clearly falls within that mandate.

Caribair is the only U.S. carrier to file a comment in this proceeding. It submits that the proposed rule not include Caribbean operations in light of the apparent lack of enforcement problems in the Caribbean and the alleged availability of adequate information to other government agencies and departments. There is no factual support for these assertions.

The American Society of Travel Agents submitted comments endorsing the adoption of the Board's proposal herein, but feels the Board should go a step further and require carriers to also maintain for 6 months the date that the individual members participating in the charter joined the chartering organization; and, in addition, the membership roster of any organization participating in a pro rata charter be attached to the charter contract which would be filed with the Board no later than the date when final payment is made on the charter contract. These proposals are outside the scope of this proceeding.

Accordingly, the Civil Aeronautics Board amends Part 207 of the Economic Regulations (14 CFR Part 207) effective May 23, 1969, as follows:

1. Amend the table of contents to modify the title of § 207.9 to read as follows:

Sec.
207.9 Records and record retention.

2. Amend § 207.9(a) to read:

§ 207.9 Records and record retention.

Each air carrier shall obtain and retain the following records in accordance with Part 249 of this subchapter:

(a) A record of the names and addresses of all passengers transported on each pro rata charter trip.

* * * * *

(Secs. 204(a), 401, 403, 404(b), 407; 72 Stat. 743, 754 (as amended by 76 Stat. 143), 758 (as amended by 74 Stat. 445), 760, 766; 49 U.S.C. 1324, 1371, 1373, 1374, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-4819; Filed, Apr. 22, 1969; 8:49 a.m.]

[Reg. ER-569; Amdt. 1]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR-145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214 and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents.

For the reasons set forth in Regulation ER-568, published simultaneously herewith, we have determined to adopt the rule as proposed. Accordingly, the Civil Aeronautics Board hereby amends Part 208 of the Economic Regulations (14 CFR Part 208), effective May 23, 1969, as follows:

1. Amend § 208.4 to read:

§ 208.4 Passenger names and addresses.

Each supplemental air carrier shall maintain a record of the names and addresses of all passengers transported on each pro rata charter trip. Such record shall be retained in accordance with Part 249 of this chapter except that it may be maintained at either the principal office or the principal operations base of the carrier.

2. Amend § 208.215 to read:

§ 208.215 Passenger manifests.

Prior to each one-way or round-trip flight, a manifest shall be filed by the charterer with the air carrier showing the names and addresses of all passengers to be transported on the flight.

(Secs 204(a), 401, 403, 404(b), 407; 72 Stat. 743, 754 (as amended by 76 Stat. 143), 758 (as amended by 74 Stat. 445), 760, 766; 49 U.S.C. 1324, 1371, 1373, 1374, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-4820; Filed, Apr. 22, 1969; 8:49 a.m.]

[Reg. ER-570; Amdt. 3]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR-145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214 and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents.

For the reasons set forth in Regulation ER-568, published simultaneously herewith, we have determined to adopt the rule as proposed. Accordingly, the Civil Aeronautics Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212), effective May 23, 1969, as follows:

1. Amend the Table of Contents to modify the title of § 212.7 to read as follows:

Sec.
212.7 Records and record retention.

2. Revise § 212.7 to read:

§ 212.7 Records and record retention.

(a) Each foreign air carrier shall obtain and retain, in accordance with Part 249 of this chapter, the following documents pertaining to charter trips:

(1) True copies of all passenger manifests, air waybills, invoices and other traffic documents covering off-route charter trips performed under a statement of authorization.

(2) A copy of every contract for on-route charter trips originating or terminating in the United States together with all traffic documents pertaining to such on-route charters.

(3) A record of the names and addresses of all passengers transported on each pro rata charter trip originating or terminating in the United States.

(b) Such documents shall be made available, at a place in the United States, for inspection upon request by an authorized representative of the Board or the Federal Aviation Administration.

(Secs. 204(a), 402, 403, and 404(b); 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), and 760; 49 U.S.C. 1324, 1372, 1373, and 1374)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-4821; Filed, Apr. 22, 1969; 8:49 a.m.]

[Reg. ER-571; Amdt. 1]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR-145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214, and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents.

For the reasons set forth in Regulation ER-568, published simultaneously herewith, we have determined to adopt the rule as proposed. As regards Part 214, however, the information sought by the rule is currently required of foreign charter carriers. Therefore, this part is being amended only to the extent of making the retention period of such records uniform for all classes of carriers.

Accordingly, the Civil Aeronautics Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214), effective May 23, 1969, as follows:

Revise § 214.6(a) to read:

§ 214.6 Record retention.

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents at its principal or general office and shall make them available in the United States upon request by an authorized representative of the Board or the Federal Aviation Administration for the following periods:

(1) Every charter contract: 2 years;

(2) All passenger manifests including those filed by charterers: 6 months; and

(3) Proof of commission paid to any travel agent by the carrier: 2 years.

* * * * *

(Secs. 204(a), 402, 403, 404(b); 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760; 49 U.S.C. 1324, 1372, 1373, 1374)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-4822; Filed, Apr. 22, 1969; 8:50 a.m.]

[Reg. ER-572; Amdt. 9]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR-145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214 and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents.

For the reasons set forth in Regulation ER-568, published simultaneously herewith, we have determined to adopt the rule as proposed. As regards transatlantic supplementals, however, § 295.35 presently requires passenger manifests showing the names and addresses of the persons to be transported be filed by the charterer with the air carrier. Therefore, the extent to which these supplementals are affected by amending Part 249 is only in reducing their retention period of such records so as to make it uniform for all classes of carriers.

Accordingly, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249), effective May 23, 1969, as follows:

1. Amend § 249.8 by amending Categories 12 and 13 to read as follows:

§ 249.8 Period of preservation of records by supplemental air carriers.

* * * * *

Category of records	Period to be retained
* * *	* * *
12. Names and addresses of all passengers transported on each pro rata charter trip.	6 months.
13. (a) Every charter contract...	2 years.
(b) All passenger manifests, including those filed by charterers.	6 months.
* * *	* * *

2. Revise § 249.12(c) to read:

§ 249.12 Period of preservation of records by foreign air carriers.

* * * * *

(c) Each carrier shall, pursuant to Part 212 of this subchapter, maintain, for the periods specified, the following documents:

(1) True copies of all passenger manifests, air waybills, invoices and other traffic documents covering off-route charter trips performed under a Statement of Authorization: 2 years;

(2) A copy of every contract for on-route charter flights originating or terminating in the United States together with all traffic documents pertaining to such on-route charters: 2 years;

(3) A record of the names and addresses of all passengers transported on each pro rata charter trip originating or terminating in the United States: 6 months.

3. Amend § 249.13(f) by amending Category 302(c) of the Schedule of Records to read:

§ 249.13 Period of preservation of records by certificated route air carriers.

* * * * *

(f) * * *

SCHEDULE OF RECORDS

Category of records	Period to be retained	Microfilm indicator
* * *	* * *	* * *
302. Reservations reports and records:		
* * *	* * *	* * *
(c) Names and addresses of all passengers transported on each pro rata charter trip.	6 months...	

(Secs. 204(a), 403, 404(b), 407; 72 Stat. 743, 758 (as amended by 74 Stat. 445), 760, 766; 49 U.S.C. 1324, 1373, 1374, 1377)

NOTE: The record-retention requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-4823; Filed, Apr. 22, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

[Docket No. C-1511]

PART 13—PROHIBITED TRADE PRACTICES

Meal or Snack System, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-255 Reputation, success, or standing; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.155 *Prices:* 13.155-95 Terms and conditions; § 13.-225 *Services.* Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1540 *Reputation, success, or standing;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Meal or Snack System, Inc., et al., Scarsdale, N.Y., Docket C-1511, April 1, 1969]

In the Matter of Meal or Snack System, Inc., a Corporation, Formerly Known as Jolly Giant System, Inc., and Franchise Development Corp., a Corporation, Formerly Known as Jolly Giant System Franchises, Inc., and Joshua Benanav, Individually and as an Officer of Said Corporations, and Ernest Halpern, Individually and as an Officer of Meal or Snack System, Inc.

Consent order requiring two affiliated Scarsdale, N.Y., franchisers of hamburger-pizza drive-in restaurants to cease using exaggerated earning claims, deceptive offers of employee training and supervision, advertising and promotional programs, and other deceptive means to promote the sale of its franchises, buildings and equipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Meal or Snack System, Inc., a corporation formerly known as Jolly Giant System,

Inc., and its officers, and Franchise Development Corp., a corporation formerly known as Jolly Giant System Franchises, Inc., and its officers, and Joshua Benanav, individually and as an officer of said corporations, and Ernest Halpern, individually and as an officer of Meal or Snack System, Inc., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of restaurant equipment, restaurant buildings or franchises or licenses in relation thereto, or any other product, franchise or license, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. The "Jolly Giant" trade name, trademark or products are known throughout the country; or misrepresenting, in any manner, the fame, renown, or reputation of respondents' franchises, licenses, trade name, trademark, or products.

2. Purchasers can obtain a complete ready-to-operate Jolly Giant Hamburger-Pizza Drive-In restaurant for $8,500 or $9,500; or misrepresenting, in any manner, the investment required to purchase any franchise, license, business, or products from respondents.

3. Persons investing $9,500 in respondents' franchises, buildings and equipment will earn $30,000 each year or three times their original investment each year.

4. Purchasers of respondents' franchises, licenses or products will realize a gross, net, or minimum income, earnings, profits or ratio of profits to investment in any amount or range of amounts: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented amount or range of amounts of income, earnings or profits are actually and usually realized by purchasers of respondents' franchises, licenses or products.

5. Respondents' methods or plans for operating franchised or licensed businesses are or have been successful; or that franchises or licensees employing such methods or plans are or have been financially successful.

6. Purchasers of respondents' franchises or licenses and their employees are given training in the management of their businesses.

7. The training furnished to purchasers of respondents' franchises or licenses will enable purchasers to operate their businesses as a commercially profitable enterprise.

8. Purchasers of respondents' franchises or licenses are provided with supervision, assistance or advice in the management and operation of their franchised or licensed businesses.

9. Purchasers of respondents' franchises or licenses have a minimum sales volume of $100,000.

10. Purchasers of respondents' franchises or licenses have a minimum, average or maximum sales volume in any amount or range of amounts: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that their franchisees or licensees do have the represented sales volume or volumes.

11. Purchasers of respondents' franchises or licenses are provided with an advertising promotional program or that they are provided with advertising of any kind or type.

12. Purchasers of respondents' franchises or licenses will be able to purchase their provisions, supplies, or equipment through respondents or through arrangements made by respondents at lower prices than others in the same kind or type of business as that of the purchaser.

B. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products, services or franchises and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 1, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4764; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. C-1509]

PART 13—PROHIBITED TRADE PRACTICES

Shelton Hosiery Mills, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory* requirements: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1853 *Formal regulatory and statutory* requirements: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68)

[Cease and desist order, Shelton Hosiery Mills, Inc., et al., Shelton, Conn., Docket C-1509, Mar. 24, 1969]

In the Matter of Shelton Hosiery Mills, Inc., a Corporation, and Henry J. De Marco, Alexander H. De Marco, and Joseph R. De Marco, Individually and as Officers of Said Corporation

Consent order requiring a Shelton, Conn., men's hosiery mill to cease misbranding and falsely guaranteeing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Shelton Hosiery Mills, Inc., a corporation, and its officers, and Henry J. De Marco, Alexander H. De Marco, and Joseph R. De Marco, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

B. Furnishing a false guaranty that their wool products are not misbranded under the provisions of the Wool Products Labeling Act, where there is reason to believe that the wool products so guaranteed may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 24, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4765; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. C-1510]

PART 13—PROHIBITED TRADE PRACTICES

Youngstown Spectrum Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1663 *Individual's special selection or situation.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Youngstown Spectrum Corp. et al., Youngstown, Ohio, Docket C-1510, Mar. 24, 1969]

In the Matter of Youngstown Spectrum Corp., a Corporation, International Distribution Center, Inc., a Corporation, and Edward M. Gallagher, Individually and as an Officer of Said Corporations

Consent order requiring two affiliated Youngstown, Ohio, marketers of radio and television tube testing devices and supplies to cease using exaggerated earning claims, deceptive offers of assistance in obtaining profitable locations, and other misrepresentations to recruit franchised distribution of their products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Youngstown Spectrum Corp., a corporation, International Distribution Center, Inc., a corporation, and their officers, and Edward M. Gallagher, individually and as an officer of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radio or television tube testing devices or the tubes, supplies or equipment for use in connection therewith, or of any other products, or of any franchises or distributorships connected therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Persons investing $3,750 in respondents' said tube testing devices and the tubes, supplies or equipment for use in connection therewith, or the franchises or distributorships relating thereto, will earn a net income of $100 to $500 per month.

(2) Purchasers of respondents' products, franchises or distributorships will earn any stated or gross or net amount; or representing, in any manner, the past earnings of said purchasers unless in fact the past earnings represented are those of a substantial number of purchasers and accurately reflect the average earnings of these purchasers under circumstances similar to those of the purchaser or prospective purchaser to whom the representation is made.

(3) Purchasers of respondents' products, franchises or distributorships must own an automobile, furnish references, have special qualities or be specially selected to qualify for purchase of respondents' products, franchises or distributorships: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented qualification or requirements are in fact fully enforced as to each purchaser.

(4) The net profits from the operation of said business, franchises, or distributorships will be sufficient to return the investment of the purchaser within 1 year or within any other period of time: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the said investment is usually and fully recovered by a substantial number of purchasers in the represented time under circumstances similar to those of the purchasers or prospective purchasers to whom the representation is made.

(5) Respondents, their agents, representatives or employees have conducted or have available a machine location survey or other potential business survey in the prospective purchasers trade area: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that a bona fide survey of the kind represented has in fact been conducted or is available.

(6) Respondents, their agents, representatives, or employees will obtain satisfactory or profitable locations for the machines purchased from them: *Provided, however,* That nothing herein shall be construed to prohibit respondents from truthfully and nondeceptively representing that they have obtained locations or assisted in obtaining locations if respondents clearly and conspicuously disclose, in immediate conjunction therewith, the average net or gross earnings realized by a substantial number of purchasers from machines in locations obtained by respondents or through their assistance under circumstances similar to those of the purchaser to whom the representation is made.

(7) Selling, soliciting or experience is not required of those investing in any product or business offered by respondents: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that selling, soliciting or experience is not required for the successful operation of such business.

(8) Respondents will repurchase or otherwise assist in the disposition of products, franchises or distributorships purchased from respondents.

(9) The purchasers' investment in the franchise, distributorship or articles of merchandise purchased from respondents is secure.

(10) Purchasers of respondents' products, franchises, or distributorships, are granted exclusive territories within which their products may be placed for operation; or that sales will not be made to other persons in such territories: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that respondents do give an exclusive franchise or distributorship purchased from them.

It is further ordered, That the respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, franchises, or distributorships and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 24, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4766; Filed, Apr. 22, 1969; 8:46 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File No. 206-9-1]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Fiber Content of Special Types of Products; Time for Written Comments Extended and Effective Date Deferred

On March 27, 1969 the Commission issued a notice of amendment of § 303.10 (Rule 10) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, "Fiber Content of Special Types of Products" so as to add a new paragraph thereto designated as paragraph (c), and to provide for the manner and form of disclosing the required fiber content information of textile fibers which contain components combined at or prior to the time of initial extrusion which if separately extruded would fall within existing definitions of textile fibers as set forth in § 303.7 (Rule 7) of the regulations under the aforesaid Act. Such notice was published in the FEDERAL REGISTER on March 28, 1969, at 34 F.R. 5836.

The notice of amendment provided that paragraph (c) of § 303.10 (Rule 10) would become effective 45 days after publication in the FEDERAL REGISTER. It was further provided that interested parties could submit written comments

within 20 days of the publication of paragraph (c) of § 303.10 (Rule 10) in the FEDERAL REGISTER but this should not affect the effective date unless the Commission should so order.

Upon the indication of certain interested parties of a desire for a further period for comments, the time for the submission of written views and comments in the matter is extended to May 15, 1969. The effective date of paragraph (c) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act is deferred until June 30, 1969.

Issued: April 18, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4824; Filed, Apr. 22, 1969; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

Limits on Position and Daily Trading in Eggs for Future Delivery

On January 16, 1969, there was published in the FEDERAL REGISTER (34 F.R. 624) a notice of proposed amendment of § 150.5 of the Orders of the Commodity Exchange Commission promulgated under section 4a of the Commodity Exchange Act, as amended (7 U.S.C. 6a). That section proclaimed and fixed limits on the amount of trading under contracts of sale of eggs for future delivery on or subject to the rules of any contract market, which may be done by any person.

Interested persons were given until February 12, 1969, to request an oral hearing or to submit written statements on the proposed amendment. No such request or statement has been received and the proposed amendment is hereby adopted without change and is set forth below.

Paragraphs (a) and (b) of § 150.5 of the orders of the Commodity Exchange Commission, are amended to read as follows:

§ 150.5 Limits on position and daily trading in eggs for future delivery.

* * * * *

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in eggs on or subject to the rules of any one contract market is 150 carlots in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of eggs which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 150 carlots in any one future or in all futures combined.

* * * * *

As set forth in the notice of proposed rule making published on January 16, 1969, the purpose of this amendment is to eliminate a sliding scale of position and trading limits in eggs for the fall and winter delivery months, which was established in 1951, and which is now obsolete in light of the present marketing pattern of fresh eggs. The effect of this amendment is to raise such limits for such months. Accordingly, it is found upon good cause that this amendment should be made effective less than 30 days after the date of its publication in the FEDERAL REGISTER.

(September 21, 1922, c. 369, sec. 4a, as added June 15, 1936, c. 545, sec. 5, 49 Stat. 1492, amended July 24, 1956, c. 690, sec. 1, 70 Stat. 630, and amended February 19, 1968, Public Law 90-258, secs. 2-4, 82 Stat. 26, 27, 7 U.S.C. 6a)

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

Issued: April 17, 1969.

COMMODITY EXCHANGE COMMISSION,

M. L. UPCHURCH,
Chairman designee for the Secretary of Agriculture.

R. L. BORUM,
Member designee for the Secretary of Commerce.

JOSEPH J. SAUNDERS,
Member designee for the Attorney General.

[F.R. Doc. 69-4810; Filed, Apr. 22, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

[PHTHALOCYANINATO (2-)] COPPER; LISTING FOR DRUG USE SUBJECT TO CERTIFICATION

The Commissioner of Food and Drugs, based on a petition filed by Ethicon, Inc., Somerville, N.J. 08876, and other relevant material, finds that [phthalocyaninato(2-)] copper (identified below) is safe for use as a color for polypropylene sutures under the conditions prescribed in this order and that certification is necessary for the protection of the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 8 be amended by adding § 8.4026 to Subpart E, as follows:

§ 8.4026 [Phthalocyaninato(2-)] copper.

(a) *Identity.* The color additive is [phthalocyaninato(2-)] copper having the structure shown in color index No. 74160.

(b) *Specifications.* [Phthalocyaninato (2-)] copper shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Volatile matter (135° C.), not more than 0.3 percent.
Salt content (as NaCl), not more than 0.3 percent.
Alcohol soluble matter, not more than 0.5 percent.
Organic chlorine, not more than 0.2 percent.
Aromatic amines, not more than 0.05 percent.
Lead (as Pb), not more than 40 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Total color, not less than 98.5 percent.

(c) *Uses and restriction.* [Phthalocyaninato(2-)]copper may be safely used to color polypropylene sutures for use in general and ophthalmic surgery subject to the following restrictions:

(1) The quantity of the color additive does not exceed 0.5 percent by weight of the suture.

(2) The dyed suture shall conform in all respects to the requirements of The United States Pharmacopeia.

(3) When the sutures are used for the purposes specified in their labeling, there is no migration of the color additive to the surrounding tissue.

Authorization for this use shall not be construed as waiving any of the requirements of section 505 of the act with respect to the drug (including any other sutures) in which it is used.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of [phthalocyaninato(2-)] copper shall be certified in accordance with regulations in Subpart A of this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the

grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d))

Dated: April 16, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4779; Filed, Apr. 22, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FOOD STARCH-MODIFIED

No comments were received in response to the notice published in the FEDERAL REGISTER of March 4, 1969 (34 F.R. 3748), proposing that § 121.1031 be amended to limit propylene chlorohydrin to not more than 5 parts per million in food starch-modified. The Commissioner of Food and Drugs concludes that the amendments should be adopted as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.: 21 U.S.C. 348) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1031 is amended by revising the items "Propylene oxide * * *" in paragraph (e) and "Phosphorus oxychloride * * *" in paragraph (f) and by revising paragraph (g), as follows:

§ 121.1031 **Food starch-modified.**

* * * * * *

(e) * * *

	Limitation
* * *	* * *
Propylene oxide, not to exceed 25 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.

(f) * * *

	Limitation
* * *	* * *
Phosphorus oxychloride, not to exceed 0.1 percent, and propylene oxide, not to exceed 10 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.

(g) Food starch may be modified by treatment with one of the following:

	Limitation
Chlorine, as sodium hypochlorite, not to exceed 0.055 pound of chlorine per pound of dry starch; 0.45 percent of active oxygen obtained from hydrogen peroxide; and propylene oxide, not to exceed 25 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.
Sodium hydroxide, not to exceed 1 percent.	----------

* * * * *

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

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

(Sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348)

Dated: April 16, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4806; Filed, Apr. 22, 1969; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Clarification

A number of sponsors of investigations with new drugs have indicated that the requirements in § 130.3(a) for the submission of a "Notice of Claimed Investigational Exemption for a New Drug" are not clear regarding the number of copies of informational material (labels and labeling) required. Accordingly, the regulation is amended below for clarification.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 130.3 *New drugs for investigational use in human beings; exemption from section 505(a)* is amended in paragraph (a)(2) by changing "A total of five copies" in the first sentence of item 7 of form FD 1571 to read "A copy (one in each of the three copies of the notice)".

This clarifying amendment is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

(Secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: April 16, 1969.

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

[F.R. Doc. 69-4767; Filed, Apr. 22, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1711—FEDERAL DISASTER ASSISTANCE FOR PROJECTS UNDER CONSTRUCTION

Change in Approving Official

1. Section 1711.3(d) is amended to read as follows:

(d) The Regional Director shall, upon receipt of the request, direct an appropriate Federal agency to make an inspection at the site of the work, review available records, and provide an analysis of the claim and findings as to the work eligible under the Act. Upon receipt of the Federal agency analysis and findings, the Regional Director shall determine the amount of eligible work and approve the application not to exceed 50 percent of the cost thereof, or disapprove the application.

2. Sections 1711.3 (e) and (f), 1711.6, and 1711.24 are amended by deleting "Director" and inserting in lieu thereof "Regional Director."

3. Section 1711.3(g) is amended to read as follows:

(g) If a project application is disapproved by the Regional Director, the application shall be returned to the State with a statement of the reasons for such disapproval: *Provided,* That it may be resubmitted to the Regional Director with any additional pertinent information within 30 days of its return to the State: *And provided further,* That if again disapproved by the Regional Director it may be resubmitted within 30 days of such disapproval through the Regional Director for consideration by the Director with any further justification in writing.

4. *Effective date.* These amendments shall take effect on the date of publication with respect to applications thereafter filed.

Dated: April 17, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-4794; Filed, Apr. 22, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Public Contracts, Department of Labor

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation Standards in Mining; Procedures for Variations

Pursuant to sections 1 and 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 38), § 50–204.36(b) of Title 41, Code of Federal Regulations (34 F.R. 14258), which republishes the radiation standards for mining published in the FEDERAL REGISTER on December 28, 1968 (33 F.R. 14258), is hereby amended in the manner indicated below. The essential purpose of the amendments is to encourage employers who are seeking any variation from the radiation exposure limitations described in paragraph (b) of the section to request in writing such a variation within 90 days following the periods of exposure indicated in paragraph (b). In addition, the terms "consecutive 3-month period" and "consecutive 12-month period" used in paragraph (b) are replaced by the terms "calendar quarter" and "calendar year," respectively.

The amendments shall be effective upon publication in the FEDERAL REGISTER. The notice, public procedure, and delay in effective date provisions of section 4 of the Administrative Procedure Act, as codified in 5 U.S.C. 553, are omitted because the rules have no mandatory effect and are minor in nature.

Section 50–204.36(b) is hereby amended by amending subparagraph (1) thereof and by adding thereto an additional subparagraph designated subparagraph (3). As amended § 50–204.36(b) reads as follows:

§ 50–204.36 Radiation standards for mining.

* * * * *

(b)(1) Occupational exposure to radon daughters in mines shall be controlled so that no individual will receive an exposure of more than 2 working level months in any calendar quarter and no more than 4 working level months in any calendar year. Actual exposures shall be kept as far below these values as practicable.

* * * * *

(3) Whenever a variation under subparagraph (2) of this paragraph is sought, a request therefor should be submitted in writing to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, within 90 days following the end of the calendar quarter or year, as the case may be.

* * * * *

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 17th day of April 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-4774; Filed, Apr. 22, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4633]

[Idaho 2197]

IDAHO

Revocation of Public Land Order No. 2375

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. 2375 of May 11, 1961, withdrawing the following described lands for use of the Department of the Air Force, is hereby revoked:

BOISE MERIDIAN

T. 4 S., R. 2 E.,
Sec. 18, lot 4, SE¼SW¼, S½SE¼;
Sec. 19, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.

The area described contains 545.69 acres in Owyhee County.

The land is in the Grandview area. Vegetative cover is primarily sagebrush.

The following described lands have been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, and will be administered or disposed of under regulations of the General Services Administration:

Sec. 19, NW¼NE¼, E½NE¼NW¼, E½SE¼NW¼, and SW¼NE¼.

Containing 120 acres.

2. At 10 a.m. on May 22, 1969, the public lands described as follows, shall be open to the 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:

T. 4 S., R. 2 E.,
Sec. 18, lot 4, SE¼SW¼, S½SE¼;
Sec. 19, lots 1 and 2, E½NE¼, W½E½NW¼, NE¼SW¼, NW¼SE¼.

Containing 425.69 acres.

All valid applications received at or prior to 10 a.m. on May 22, 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 16, 1969.

[F.R. Doc. 69-4784; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4634]

[Colorado 017938]

COLORADO

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 December 20, 1948, withdrawing the following described land as Air Navigation Site Withdrawal No. 255, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 84 W.,
Sec. 6, NW¼NW¼ of lot 11.
T. 5 S., R. 86 W.,
Sec. 1, SW¼SE¼NE¼SE¼.

The area described contains approximately 5 acres in Eagle County.

The lands are situated near Eagle, Colo. The terrain is steeply north-sloping, with poor quality soils and sparse vegetation.

2. At 10 a.m. on May 22, 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 and procedures. All valid applications received at or prior to 10 a.m. on May 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has 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, Denver, Colo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4785; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4635]

[New Mexico 8094]

NEW MEXICO

Partial Revocation of Executive Order No. 6276

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. Executive Order No. 6276 of September 8, 1933, which withdrew lands in New Mexico to aid the State in making exchange selections, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 20 W.,
Sec. 27, S½;
Sec. 34, W½.

The area described contains 640 acres in Hidalgo County.

The lands are located some 13 miles southwest of Lordsburg. They are level and are a part of the South Alkali Flats, a flat-floored bottom of an undrained desert basin. They are nonarable due to flooding and a heavy accumulation of salts in the soils. Vegetative cover consists of a sparse stand of tobosa grass.

2. At 10 a.m. on May 22, 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 22, 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 for nonmetalliferous minerals at 10 a.m. on May 22, 1969. They have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4786; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4636]

[Arizona 2074, 011033]

ARIZONA

Partial Revocation of Reclamation Withdrawal; Amendment of Public Land Order No. 1626

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended, it is ordered as follows:

1. The departmental order of April 23, 1943, withdrawing lands for the Jacques Reservoir Site, is hereby revoked so far as it affects the following described lands:

SITGREAVES NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

T. 9 N., R. 22 E.,
Sec. 4, lots 3 and 4, SW¼NE¼,S½NW¼, W½NW¼SW¼, N½NE¼SW¼.

The areas described aggregate 240.44 acres in Navajo County.

2. Paragraph 1 of Public Land Order No. 1626 of May 6, 1958, which withdrew lands in the Sitgreaves National Forest, is hereby amended to read as follows:

"Subject to valid existing rights, the following described lands within the Sitgreaves National Forest 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."

3. At 10 a.m. on May 22, 1969, the lands described in paragraph 1 of this order and the lands described in Public Land Order No. 1626, shall be open to such forms of disposition as may by law be made of national forest lands, except that the lands described in Public Land Order No. 1626 shall not be open to appropriation under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4787; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4637]

[Oregon 3963 (Wash.)]

WASHINGTON

Partial Revocation of Reclamation 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 order of December 22, 1905, withdrawing lands for the Yakima Project, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 9 N., R. 27 E.,
Sec. 20, lot 3.

The area described contains 0.30 acre in Benton County.

The land is located about 10 miles west of Richland, Wash., on the left bank of the Yakima River. Vegetative cover is willows and brush, characteristic of streambank vegetation.

2. At 10 a.m. on May 22, 1969, the 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 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the U.S. mining laws at 10 a.m. on May 22, 1969. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4788; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4638]

[Oregon 4157 (Wash.)]

WASHINGTON

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 orders of March 9, 1929, and August 1, 1930, withdrawing the following described lands as Air Navigation Site No. 24, are hereby revoked:

WILLAMETTE MERIDIAN

T. 36 N., R. 33 E.,
Sec. 7, lots 11 and 12;
Sec. 18, lot 2.

The areas described aggregate 67.60 acres in Ferry County.

2. At 10 a.m. on May 22, 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 22, 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 U.S. mining laws at 10 a.m. on May 22, 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 16, 1969.

[F.R. Doc. 69-4789; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4639]

[Idaho 2563]

IDAHO

Partial Revocation of National Forest Withdrawal

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. 1567 of December 19, 1957, withdrawing national forest lands as roadside zones, is hereby revoked so far as it affects the following described lands:

LOLO NATIONAL FOREST

BOISE MERIDIAN

Lochsa River (Lewis and Clark Forest Highway No. 16) Roadside Zone

A strip of land 200 feet in width on each side of the centerline of the Lewis and Clark Forest Highway No. 16 through the following legal subdivisions, or so much of said width as may be situated within said subdivisions:

T. 37 N., R. 14 E.,
Sec. 12, NE¼NE¼, W½NE¼.

The area described aggregates about 15 acres in Idaho County.

2. At 10 a.m. on May 22, 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 16, 1969.

[F.R. Doc. 69-4790; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4640]

[Oregon 3888 (Wash.)]

WASHINGTON

Partial 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:

The departmental orders of January 8, 1907, and June 15, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

OLYMPIC NATIONAL FOREST

WILLAMETTE MERIDIAN

Elwha Ranger Station Administrative Site No. 3

T. 29 N., R. 7 W.,
Sec. 9, SW¼SW¼;
Sec. 16, N½NW¼NW¼ and SW¼NW¼NW¼.

Hot Springs Ranger Station Administrative Site No. 5

T. 29 N., R. 9 W.,
Sec. 29, S½SW¼SW¼.

Storm King Ranger Station Administrative Site No. 4

T. 30 N., R. 9 W.,
Sec. 25, lot 5;
Sec. 35, W½NE¼NE¼.

Minerva Ranger Station Administrative Site No. 15

T. 23 N., R. 10 W.,
Sec. 13, lot 5.

Soleduck Ranger Station Administrative Site
T. 29 N., R. 10 W.,
Sec. 1, W½NW¼NW¼

Bogachiel Ranger Station Administrative Site No. 10

T. 28 N., R. 12 W.,
Sec. 35, lots 2 and 3.

The areas described aggregate approximately 185.71 acres in Clallum and Grays Harbor Counties, within the Olympic National Park.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4791; Filed Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4641]

[Oregon 3728]

OREGON

Partial Revocation of Executive Order No. 7106

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. 7106 of July 19, 1935, establishing the Malheur Migratory Bird Refuge, is hereby revoked so far as it affects the following described nonpublic lands:

WILLAMETTE MERIDIAN

T. 30 S., R. 30 E.,
Sec. 9, NE¼SE¼;
Sec. 10, NW¼NW¼ and SE¼NW¼;
Sec. 35, SE¼SW¼ and S½SE¼.
T. 30 S., R. 31 E.,
Sec. 4, SW¼SW¼.
Sec. 9, NW¼NW¼.
T. 30 S., R. 32 E.,
Sec. 14, S½SW¼;
Sec. 15, N½SW¼, SE¼SW¼, and SE¼;
Sec. 23, NW¼NE¼ and SE¼NE¼;
Sec. 24, S½N½ and W½SW¼;
Sec. 25, W½W½;
Sec. 36, W½NW¼.
T. 31 S., R. 32 E.,
Sec. 3, lot 2, SE¼SE¼;
Sec. 5, lot 2 and SW¼SE¼;
Sec. 8, N½NE¼ and SE¼NE¼;
Sec. 9, SW¼NE¼, S½NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 19, lot 4, SE¼SW¼, and S½SE¼;
Sec. 21, NW¼NE¼ and NE¼SE¼;
Sec. 22, lot 4 and SW¼SE¼;
Sec. 27, SW¼NE¼ and W½SE¼;
Sec. 34, W½NE¼, NW¼SE¼, and SE¼SE¼;
Sec. 35, SW¼SW¼.
T. 32 S., R. 32 E.,
Sec. 8, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 9, SW¼SW¼.
T. 31 S., R. 32½ E.,
Sec. 13, E½E½, SW¼NE¼, NW¼NW¼, and SE¼NW¼;
Sec. 16, SE¼NE¼;
Sec. 24, E½E½;
Sec. 25, E½E½ and SW¼SW¼;
Sec. 26, SE¼SW¼ and S½SE¼;
Sec. 36, E½E½.
T. 32 S., R. 32½ E.,
Sec. 1, lot 1, SE¼NE¼, and E½SE¼;
Sec. 10, SW¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 12, E½E½.
T. 28 S., R. 33 E.,
Sec. 26, W½NE¼.

The areas described aggregate 4,021.15 acres in Harney County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4792; Filed, Apr. 22, 1969; 8:48 a.m.]

[Public Land Order 4642]

[Idaho 2468]

IDAHO

Withdrawal for National Forest—Historical Area

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:

CARIBOU NATIONAL FOREST

BOISE MERIDIAN

Lander Cut-Off of the Oregon Trail Historical Area

A strip of land 100 feet on each side of the centerline of the Lander Cut-Off, Oregon Trail, through the following-described subdivisions:

T. 6 S., R. 44 E.
Sec. 1, lot 7 and HES 765;
Sec. 2, lot 7, SE¼SE¼, and HES 765;
Sec. 12, W½NW¼, N½SW¼, SE¼SW¼;
Sec. 13, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼.
T. 6 S., R. 45 E.
Sec. 18, lot 4;
Sec. 19, lot 1, SW¼NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 20, SW¼SW¼;
Sec. 27, S½SW¼, SE¼SE¼;
Sec. 28, NW¼SW¼, S½S½;
Sec. 29, NW¼, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 30, NE¼NE¼;
Sec. 34, NE¼, NE¼NW¼;
Sec. 35, S½NW¼, NE¼SW¼, SE¼.
T. 7 S., R. 45 E.
Sec. 1, lots 1, 2, and 5.
T. 7 S., R. 46 E.
Sec. 6, S½S½SE¼, S½SE¼SW¼;
Sec. 7, NE¼NE¼ (unsurveyed).

The areas described aggregate about 245 acres in Caribou 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 16, 1969.

[F.R. Doc. 69-4793; Filed, Apr. 22, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18423; FCC 69-403]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Chesapeake-Virginia Beach, Va.

Report and order. In the matter of amendment of § 73.202 *Table of assignments,* FM Broadcast Stations. (Chesapeake-Virginia Beach, Va.), Docket No. 18423, RM-1350.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 69-45, issued in this proceeding on January 17, 1969, and published in the FEDERAL REGISTER on January 23, 1969 (34 F.R. 1064), inviting comments on a proposal to assign Channel 235 to Chesapeake-Virginia Beach, Va. This action was taken as a counterproposal to a petition filed on September 11, 1968, by Payne of Virginia, Inc., licensee of Station WCPK (AM, daytime-only),

Chesapeake, who proposed assignment of the channel to Chesapeake only.

2. Chesapeake has a population of 73,647 and Virginia Beach has a population of 84,215. Both cities are included in the Norfolk-Portsmouth SMSA, which has a population of 578,507. Chesapeake and Virginia Beach each has one daytime AM station; neither has an FM assignment. Nine Class B assignments are included in the table for the hyphenated listing of Norfolk-Newport News, all of which are occupied by licensed stations in various communities, as follows: seven in Norfolk and one each in Newport News and Suffolk. Neither Newport News nor Suffolk is located in the Norfolk-Portsmouth SMSA. Eleven AM stations operate in the SMSA, seven unlimited-time and four daytime-only.

3. In the notice we pointed out that Channel 235 is the only Class B channel available that could be assigned to the area without making other changes in the table. It was also noted that if the channel were assigned to the hyphenated listing of Chesapeake-Virginia Beach, applications could be filed for use of the channel in those communities and Portsmouth, population 114, 733 (under § 73.203(b)), since the latter community is also without an FM assignment. Because of separation requirements with other stations, a transmitter site for Channel 235 would need to be located a short distance outside of either Chesapeake or Portsmouth, although a site meeting all spacing requirements could be located at or near the center of Virginia Beach. The proposal, if adopted, would preclude assignment of the channel at Poquoson (4,278), a community without an FM assignment located in the Newport News-Hampton urbanized area. No other community of 2,500 or more without an FM assignment would be similarly affected on the proposed or six adjacent channels. We were of the opinion that making a first Class B FM channel available to one of three communities with much larger populations weighs heavily in their favor. There were no comments filed in this proceeding in opposition to the proposal.

4. In consideration of the above, we are of the opinion that adoption of the proposal would be in the public interest, and therefore should be adopted. It would provide one of three large communities, with populations ranging between 73,647 to 114,733, an opportunity to obtain a first FM outlet without significant preclusion of other needed assignments in the general area. In order that all interested parties will be aware that the channel is also available for applications specifying Portsmouth, we are adding that community to the listing in the table. Accordingly, we are assigning Channel 235 to the hyphenated listing of Chesapeake-Portsmouth-Virginia Beach, Va.

5. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the above: *It is ordered*, That effective May 26, 1969, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to include the following entry:

City	Channel No.
Virginia:	
Chesapeake - Portsmouth - Virginia Beach	235

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 16, 1969.

Released: April 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4843; Filed, Apr. 22, 1969; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Monomoy National Wildlife Refuge, Mass.

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

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

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Entrance on the refuge is permitted for the purpose of bird watching, photography, nature study, hiking and swimming during daylight hours. Shellfishing is permitted in conformance with regulations prescribed by the Town of Chatham. Fishing is permitted 24 hours a day. Pets are permitted on a leash not exceeding 10 feet in length. Fires are permitted on the beach.

The refuge, comprising of 2,696 acres, is delineated on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Mass. 01742 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

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

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

[F.R. Doc. 69-4768; Filed, Apr. 22, 1969; 8:46 a.m.]

[1] Commissioners Robert E. Lee and Wadsworth absent.

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Montezuma National Wildlife Refuge, N.Y.

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

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

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes, for the purpose of nature study, photography, and sight-seeing, during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Fishing and hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 6,041 acres, is delineated on maps available at Refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

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

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

[F.R. Doc. 69-4769; Filed, Apr. 22, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Monomoy National Wildlife Refuge, Mass.

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

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

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters is permitted from the shores of Monomoy National Wildlife Refuge, Chatham, Mass.

A map of the refuge is available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Mass. 01742 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

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

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

[F.R. Doc. 69-4770; Filed, Apr. 22, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 257]

BADLANDS AIR FORCE GUNNERY RANGE (PINE RIDGE AERIAL GUNNERY RANGE)

Proposed Resale of Lands

Basis and purpose. Pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2), the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and the Act of August 8, 1968 (Public Law 90–468; 82 Stat. 663), notice is hereby given that it is proposed to amend Chapter I, Title 25, Code of Federal Regulations by adding a new Part 257 as set out below.

The purpose of this amendment is to implement the provisions of the Act of August 8, 1968 (82 Stat. 663), which revises the boundaries of the Badlands National Monument in the State of South Dakota and provides that any former Indian or non-Indian owner of a tract of land that was acquired by the United States as a part of the Badlands Air Force Gunnery Range may purchase such tract from the Secretary of the Interior under certain terms and conditions if such tract is outside of the monument boundaries and is declared to be excess to the needs of the Department of the Air Force. The act also provides that former Indian owners may in certain instances acquire only a life estate in the lands formerly owned by them or they may acquire lieu lands. The proposed regulations are designed to govern the reacquisition of lands or interests in lands by former owners.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed Part 257 to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER. The proposed new Part 257 reads as follows:

PART 257—RESALE OF LANDS WITHIN THE BADLANDS AIR FORCE GUNNERY RANGE (PINE RIDGE AERIAL GUNNERY RANGE)

Sec.

AUTHORITY: The provisions of this Part 257 issued under R.S. 161; 5 U.S.C. 301, R.S. 463 and 465; 25 U.S.C. 2; 16 U.S.C. 3; 82 Stat. 663.

§ 257.1 Purpose.

The regulations in this part govern the reacquisition by former Indian and non-Indian owners of lands, or interests therein, acquired by the United States of America as a part of the Badlands Air Force Gunnery Range, sometimes referred to and known as the Pine Ridge Aerial Gunnery Range. The regulations also govern the acquisition by former Indian owners of life estates in national monument lands formerly owned by them and the acquisition of lieu lands when lands formerly owned by them are not available or are not desired by them for reacquisition. The legislative authority for reacquisition of lands or interests therein by former owners is the Act of August 8, 1968 (Public Law 90–468; 82 Stat. 663).

§ 257.2 Definitions.

(a) "Secretary" means the Secretary of the Interior or his duly authorized representative.

(b) "Superintendent" means the officer in charge of the Pine Ridge Indian Agency, Pine Ridge, S. Dak.

(c) "Act" means the Act of August 8, 1968 (Public Law 90–468; 82 Stat. 663).

(d) "Gunnery Range" means the area on the Pine Ridge Indian Reservation in South Dakota that was acquired by the United States for use of the Air Force commonly known as the Pine Ridge Aerial Gunnery Range or the Badlands Air Force Gunnery Range.

(e) "Monument" means the Badlands National Monument as enlarged by section 1 of the Act of August 8, 1968 (Public Law 90–468).

(f) "Tribe" means the Oglala Sioux Tribe of Indians of South Dakota.

§ 257.3 Eligibility to purchase.

(a) Any former owner of a tract of land or interest in a tract of land, whether title was held in trust or in fee, which was acquired by the United States as a part of the Gunnery Range may purchase such tract pursuant to the provisions of the Act and the regulations set forth in this part: *Provided*, Said tract has been declared excess to the needs of the Department of the Air Force, has been transferred to the administrative jurisdiction of the Secretary of the Interior, and is not within the boundaries of the Monument or within that portion of the Gunnery Range retained for use of the Department of the Air Force.

(b) If a former owner is deceased and is survived by a spouse, the spouse may purchase under the same terms and conditions as the former owner except that if the former owner was an Indian whose land was held in trust and his surviving spouse is a non-Indian, the title to said tract shall be conveyed to the non-Indian spouse in a fee simple status.

(c) If the former owner is deceased and the spouse is also deceased, the children of the former owner may repurchase the tract.

(d) If the former owner is not survived by a spouse or children there exist no repurchase rights involving the tract.

(e) Not more than five former owners may join in purchasing a tract of land. "Former owner" means each person from whom the United States acquired an interest in a tract of land, or if such person is deceased, the surviving spouse, or if such spouse is deceased, his children. If more than five former owners apply to acquire a tract, the Superintendent shall notify them in writing that it will be necessary for them to agree among themselves as to the five or less of them who shall acquire the tract. If agreement among the owners is obtained, those individuals who are to acquire the tract shall then file an application to purchase it. The matter of reaching agreement among the owners is the sole responsibility of said owners and not the responsibility of the Department of the Interior and/or the Bureau of Indian Affairs to participate in the negotiations between the owners. If the former owners fail to reach such an agreement, all applications for the tract shall be rejected.

§ 257.4 Notice to former owners.

After publication of these regulations, there shall be published in the FEDERAL REGISTER notice that certain described lands and interests in lands have been transferred to the administrative jurisdiction of the Secretary and are available for repurchase by the former owners pursuant to section 3(b) of the Act. Upon transfer of administrative jurisdiction over lands that may thereafter be declared excess to the needs of the Department of the Air Force and acceptance by the Secretary, notice of such transfer shall be published in the FEDERAL REGISTER. No attempt shall be made to notify each individual former non-Indian owner personally, but the transfer of jurisdiction to the Secretary may be further publicized by the publishing of notice in a local newspaper of general circulation.

§ 257.5 Special notice to former Indian owners.

(a) The Superintendent shall notify the former Indian owners, in writing, at their last known addresses of their right to repurchase the tracts formerly owned by them in those instances where the

tracts are outside of the boundaries of the Monument and are outside of the boundaries of the area of the Gunnery Range retained by the Department of the Air Force. Such notice shall include (1) the legal description, (2) the purchase price thereof, (3) the minimum amount of down payment required, (4) a recital that balance of purchase price may be paid in 20 annual installments, (5) the annual rate of interest on unpaid balance, (6) information whether title is to be taken in trust or in fee, and (7) the date by which the executed application to purchase must be received in the office of the Superintendent. A form of application for execution by the former owners shall accompany said notice, said application to include the legal description of the land, purchase price and other pertinent information.

(b) In those instances where the tracts of land or portions thereof are within the boundaries of the area of the Gunnery Range retained by the Department of the Air Force, the Superintendent shall notify the former Indian owners, in writing, at their last known addresses that they may elect to purchase available tracts of land in lieu of the lands formerly owned by them, said lieu lands to be of substantially the same value as the tracts originally owned by them. Such notice shall also advise said former owners that they may, as an alternative, elect to purchase the tracts formerly owned by them at such time as the tracts may be declared excess to the needs of the Department of the Air Force and transferred to the Secretary of the Interior. As to this alternative, no promise or prediction may be made as to when, or whether, the land may eventually become surplus to the needs of the Department of the Air Force, and the notice shall specifically so state. Such notice shall include (1) the legal description of the lands formerly owned by them, (2) the purchase price of the lieu land which price shall be computed on the same basis as though the original tract were available, (3) the minimum amount of down payment required, (4) a recital that balance of purchase price may be paid in 20 annual installments, (5) the annual rate of interest on unpaid balance, (6) information whether title is to be taken in trust or in fee, and (7) the date by which election to purchase lieu lands or wait until lands formerly owned by them are declared excess must be received in the office of the Superintendent. The notice shall be accompanied by a form for execution by the former owner whereby said owner elects to purchase lieu lands or to repurchase the tract formerly owned by said owner when it is declared excess.

(c) In those instances where a tract of land or portion thereof is within the boundaries of the Monument, the Superintendent shall notify the former Indian owner, in writing, at his last known address that he may elect to acquire a life estate in such tract or portion thereof at no cost but subject to the restrictions on use referred to under "Conveyance Documents" (section 7). Such notice shall include the legal description of the lands formerly owned by him upon which he may acquire a life estate. The notice shall also inform the former owner that he may elect to purchase any available tract of land in lieu of the lands formerly owned by him, said lieu lands to have substantially the same values as the tract originally owned by him. Such notice shall include (1) the purchase price of the lieu land which price shall be computed on the same basis as though the original tract were available for purchase, (2) the minimum amount of down payment required, (3) a recital that balance of purchase price may be paid in 20 annual installments, (4) the annual rate of interest on unpaid balance, (5) information whether title is to be taken in trust or in fee, and (6) the date by which the election to acquire the life estate or lieu lands must be received in the Office of the Superintendent. Such notice shall be accompanied by a form for execution by the former owner whereby said owner elects to acquire a life estate in the lands formerly owned by said owner or elects to purchase lieu lands.

§ 257.6 Applications by former owners.

(a) Applications by former Indian owners to purchase lands formerly owned by them, or to purchase lieu lands, or to take a life estate in a tract of land within the Monument area should be made on forms furnished by the Superintendent and filed within the period specified in section 3(b)(5) of the Act. Such applications shall be filed in the Office of the Superintendent.

(b) A former non-Indian owner may file application to purchase land pursuant to subsection 3(b) of the Act within 1 year from the date notice is published in the FEDERAL REGISTER that the land he formerly owned has been declared excess to the needs of the Department of the Air Force and has been transferred to the Secretary. Such application shall be filed in the Office of the Superintendent. Upon receipt of an application to purchase, the Superintendent shall cause the land to be appraised and thereafter he shall inform the applicant in writing of the fair market value of the tract which shall be the purchase price, the minimum amount of down payment required, that the balance of the purchase price may be paid in 20 annual installments, and the annual rate of interest on the unpaid balance.

§ 257.7 Conveyance documents.

(a) Where there is an election by a former Indian owner of a tract of land within the monument boundary to acquire a life estate in such tract at no cost the following types of provisions and restrictions shall be applicable to the use thereof: (1) Agricultural uses are permitted. Only those commercial activities associated with normal agricultural operations would be allowed. (2) Construction or reconstruction of any roads to the property, including locations and materials used, are subject to approval by the National Park Service. (3) Mining activities of all kinds are prohibited inasmuch as the United States retains all mineral rights. (4) Residential and other facilities necessary for, or incidental to, ranching and other agricultural purposes are permitted. This includes, but is not limited to, barns, sheds, fences, stock dams, wells utilizing surface or subsurface water and other needed access accessory structures. (5) The cutting of native trees is prohibited unless determined by the National Park Service to be essential to the permitted use of the tract. (6) All improvements and structures are subject to removal upon termination of the life estate or they shall be deemed to become the property of the United States. The family or assignee of the grantee shall have a reasonable time to vacate the premises upon termination of the life estate and may harvest annual crops planted during the tenure of the estate. (7) Water rights owned by the United States in the premises remain vested in the United States, but the grantee has a right to reasonable use of the water. (8) Grantee must observe and adhere to all applicable Federal, State, and local laws and regulations, including Federal laws and regulations for the protection of the black-footed ferret and other wildlife in the Monument. The United States reserves the right to enter upon the conveyed lands to assure such compliance and for the exercise of any other rights and privileges reserved to it. (9) The conveyed premises must be kept in a neat and orderly condition and no waste or injury may be committed to the land. Pollution of water on or adjacent to the property is prohibited. (10) Reasonable precautions must be taken to prevent, suppress, and extinguish forest, brush, grass, and other fires on the property. (11) Grantee may not claim damages or injury by or against the United States which might be attributable to existence of the Monument. (12) Other provisions deemed necessary by the National Park Service in individual circumstances may be included in the conveyance document.

(b) When title to the tract being acquired is to be taken in trust for the purchaser and the purchase is effected by deferred payments as authorized in section 3(b)(2) of the Act, a sale contract shall be executed by the purchaser and the Secretary. The down payment shall be not less than $100 or 20 per centum of the purchase price, whichever is less, and said down payment shall be deposited with the Superintendent prior to submission of the contract to the Secretary for execution. Upon execution of the contract by the Secretary, the down payment shall be deposited in the U.S. Treasury to the credit of the United States as general fund receipts, and a deed shall be prepared and executed by the Secretary conveying title to the land to the United States in trust for the purchaser. All subsequent installment payments shall be deposited in a like manner to the credit of the United States. The sale contract shall include (1) the legal description of the land, (2) the purchase price, (3) the amount of down payment, (4) the amount of annual principal installment payments, (5) the annual rate of interest on unpaid balance, (6) the

due dates of annual installments, (7) a recital that the unpaid balance is a lien against the land and against all rents, bonuses, and royalties received therefrom, (8) a recital that a delinquency of 90 days in making annual installment payments will subject the contract to foreclosure with loss of all payments theretofore made thereon, and (9) a recital that upon payment being made in full the deed to the United States in trust for the purchaser will be delivered to the purchaser.

(c) If title to the tract is acquired in a trust status and full payment therefor is made by the purchaser at the time the application for purchase is approved, the title shall be conveyed to the United States of America in trust for the purchaser by a deed executed by the Secretary.

(d) If the purchaser is to acquire the tract in a fee status and the purchase is effected by deferred payments as authorized in section 3(b)(2) of the Act, the title shall be conveyed to the purchaser in a fee status by a deed executed by the Secretary. The purchaser shall execute a mortgage naming the United States as mortgagee and shall execute promissory notes for the annual installment payments with the annual rate of interest set forth therein. The deed and mortgage shall be recorded in the office of the Register of Deeds of the county in which the land is situated, the recording costs to be borne by the purchaser. Upon payment of the full amount of the mortgage a satisfaction of mortgage shall be executed by the Secretary and delivered to the purchaser who shall be responsible for recordation thereof in the office of the Register of Deeds.

(e) If the purchaser is to acquire the tract in a fee status and full payment therefor is made by the purchaser at the time the application for purchase is approved, the title shall be conveyed to said purchaser in a fee status by a deed executed by the Secretary. The purchaser shall be responsible for recordation of the deed in the office of the Register of Deeds of the county in which the land is situated.

(f) Each deed executed pursuant to subsections 7 (c), (d), and (e) hereof shall contain a provision that if the tract is offered for sale by the purchaser within a period of 10 years from the date of said deed, the tribe shall be notified in writing that the tract is being offered for sale and of the terms of the offer and said tribe shall have a period of 60 days to exercise a right of first refusal to purchase such tract upon the terms set forth in the notice.

(g) All sale documents referred to in this section shall be recorded in the office of the Bureau of Indian Affairs having custody of the land title records of the Pine Ridge Indian Reservation pursuant to Part 120 of this Title 25, Code of Federal Regulations.

§ 257.8 Selection of lieu lands.

(a) The former Indian owners whose lands are within the boundaries of the area retained for use by the Department of the Air Force or are within the boundaries of the Monument may elect to purchase lieu lands of substantially the same value pursuant to section 4(b) and section 4(c) of the Act. Inasmuch as identification of all of the lands from which lieu selections may be made cannot be determined until the time has expired for former owners of lands outside of the area used by the Department of the Air Force and outside the boundaries of the Monument to purchase the tracts formerly owned by them, former owners who have filed an election to purchase lieu lands within 1 year from the date of publication of the notice prescribed in section 3(b)(5) of the Act, shall be deemed to have filed a timely application to purchase notwithstanding the fact that a specific tract of land has not been designated in said election.

(b) All of the submarginal lands acquired by the United States under authority of title II of the National Industrial Recovery Act of 1933 and subsequent relief acts, within the Pine Ridge Indian Reservation, administrative jurisdiction over which was transferred to the Secretary of the Interior by Executive Order No. 7368, dated April 15, 1938, shall be available for selection as lieu lands by former Indian owners eligible to acquire lieu lands. Applications of former Indian owners to purchase such lands shall be filed in numerical order and processed in the order in which they are received. As the applications are received the Secretary shall determine in each case the comparability of the former Indian owned land and the tract selected for purchase in lieu thereof. If the lieu selections are not substantially the same value as the lands originally owned, the owners shall be afforded an opportunity to make other selections which are substantially the same value.

(c) Upon the expiration of 1 year from date of publication of the notice prescribed in section 3(b)(5) of the Act, the Superintendent shall prepare a complete list of all lands available from which selections of lieu lands may be made. The Superintendent shall also prepare a list of all former owners who elected to purchase lieu lands, excepting those who previously had elected to purchase tracts of available submarginal lands, numbering them consecutively without regard as to date of receipt of such election. The numbers shall then be placed on separate uniform slips of paper and placed in a bowl. The numbers will then be withdrawn from the bowl and a record made of the order in which they were withdrawn. The owner of the first number withdrawn shall be afforded the first opportunity to select lieu lands. The owners of lands represented by the following numbers will be afforded an opportunity to select lieu lands in the priority in which their numbers were drawn.

(d) When all selections of lieu lands have been made as provided in paragraph (c) of this section, the Secretary shall determine the comparability of the lands originally owned and the lieu selections. If the lieu selections are not substantially the same value as the lands originally owned, the owners shall be afforded an opportunity to make other selections which are substantially the same value.

(e) To determine whether the former Indian owned land and the selected lieu land in each case are of substantially the same value, the consideration paid by the United States for each tract may be accepted as indicative of the value of each tract at the time it was acquired. If information as to the price paid for any specific tract is not available, or if for any reason it is concluded that the consideration paid by the United States for the land is not acceptable evidence as to value for this purpose, the Secretary shall cause the tracts to be appraised to determine their comparability. The appraisals of lands shall be made on the basis of current market values. The lands shall be considered to be substantially the same value if the differences in values do not exceed 10 percent of the greater value.

§ 257.9 Lands formerly held subject to restrictions against alienation.

Former Indian owners who held title to the lands which were acquired for the gunnery range subject to restrictions against alienation without the approval of the Secretary of the Interior shall be conveyed title to the reacquired lands in a trust status in the same manner as though they had held trust title to the lands taken.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 17, 1969.

[F.R. Doc. 69-4783; Filed, Apr. 22, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Farm Acreage Allotments and Marketing Quotas, 1966–67 and Subsequent Marketing Years

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department is preparing to amend the regulations (31 F.R. 9775, as amended), for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and reports incident thereto for flue-cured tobacco. These amendments would be effective for the 1969–70 and subsequent marketing years.

The purpose of this document is to give notice to flue-cured tobacco producers, auction warehousemen, dealers and other interested persons of proposed changes in the regulations. The proposed changes are discussed below.

The first amendment would make uniform for all auction warehouses the percentage of total first sales of tobacco allowable as floor sweepings in States where pre-sheeted tobacco is sold in untied form.

The second amendment would authorize the county office to limit the quantity of tobacco shown on a marketing card under "10 percent of quota" and "110 percent of quota" by considering tobacco available for marketing as the farm's effective marketing quota in cases where it is determined that the amount of tobacco available for marketing from the farm is less than the effective farm marketing quota. Provision would be made for issuing an additional marketing card if any producer on the farm shows to the satisfaction of the county committee or county office manager that there are available for marketing from the farm pounds of tobacco above the pounds previously considered as the effective farm marketing quota. In no case would all the cards issued for the farm reflect more pounds than the farm's effective farm marketing quota.

The third amendment would require the warehouseman to cross-reference all tobacco sale bills identifying tobacco weighed in on the same day by the same seller. As a consequence of this cross-referencing, a farmer would be less likely to sell a quantity above 110 percent of his quota for which penalty would be collected.

The fourth amendment is necessary as a result of the first amendment.

The fifth amendment would provide that the marketing penalty will not be required to be paid if the producer markets above 110 per centum of the effective farm marketing quota and he relied and acted in good faith upon the failure of the marketing recorder to record or incorrectly record marketings on the marketing card.

The sixth amendment would provide for the preparation immediately prior to harvest of an estimate of tobacco production in certain enumerated cases in order to provide a basis for applying the proviso in § 725.87(f)(1) and as an aid to enforcing the provisions of the tobacco program and to discourage violations by producers.

The seventh amendment would establish a final date for dealers to make reports on Form MQ–79.

The eighth amendment would require dealers and buyers exempted from keeping regular records and making regular reports, beginning with the 1969–70 marketing year, to make a report by March 1 of each year showing the source and quantity in pounds of all tobacco received as a result of auction or nonauction sales.

1. Section 725.51, paragraph (o) would be amended to read as follows:

§ 725.51 Definitions.

* * * * *

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That, floor sweepings above the pounds determined by multiplying the applicable following listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

How Sold	*Percentage*
Untied	0.50 (five-tenths of 1 percent).
Tied	0.17 (seventeen-hundredths of 1 percent).

Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

* * * * *

2. Section 725.87, paragraph (f), subparagraph (1), would be amended to read as follows:

§ 725.87 Issuance of marketing cards.

* * * * *

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota, and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided,* That if the tobacco available for marketing from the farm is determined by the county committee or the county office manager to be less than the effective farm marketing quota, the pounds determined to be available for marketing, for purposes of issuing a marketing card and showing thereon the farm's 10 percent and 110 percent of quota data, be considered the effective farm marketing quota for the farm: *Provided further,* That if any producer on the farm shows to the satisfaction of the county committee or county office manager that there are available for marketing from the farm pounds of tobacco above the pounds considered as the effective farm marketing quota under the proviso above, the data shown on the marketing card shall be increased accordingly but not to exceed the pounds which were or would have been computed under paragraph (1) of this section.

* * * * *

3. Section 725.91 would be amended by adding paragraph (h) to read as follows:

§ 725.91 Identification of marketings.

* * * * *

(h) *Cross-reference of tobacco sale bill number to prior tobacco sale bill of same date.* Each warehouseman shall for each lot of tobacco weighed in on his floor on the same day cross-reference the tobacco sale bill to each prior tobacco sale bill for the same seller. To accomplish the cross-reference, each other tobacco sale bill number for each tobacco sale bill prepared for the same seller that day shall be entered by the warehouseman in the "Remarks" space on the tobacco sale bill at the time he weighs in his tobacco at the warehouse.

4. Section 725.94, paragraph (c) would be amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers and others excluding the producer.

* * * * *

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including tobacco from the buyers corrections account) when added to prior leaf account resales is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (1) 0.17 percent of producers' sales of tied tobacco, and (2) 0.50 percent of producers' sales where untied tobacco is presheeted in standardized sheets of burlap before marketing.

* * * * *

5. Section 725.95 would be amended by adding a new paragraph (d) to read as follows:

§ 725.95 Producers penalties; false identification; failure to account; canceled allotments; overmarketing proportionate share.

* * * * *

(d) *Penalties not to be assessed.* If the farm operator or another producer on the farm markets a quantity of tobacco above 110 percent of the effective marketing quota for the farm and such overage is found to have been caused by the failure to record, or improper recording of, a prior marketing of tobacco on the marketing card, that amount of the penalty as was due to such failure to record or improper recording will not be required to be paid by the farm operator or other producer if the county committee, with the approval of the State committee and the Deputy Administrator, determines that each of the following conditions is applicable: (1) The failure to record or incorrect recording resulted from action or inaction of a marketing recorder, (2) such failure or error was not so large as to place the farm operator on notice of the failure or error, and (3) the producer relied in good faith on the erroneous entries on the card resulting from such failure or error. Overmarketings for a farm for which the marketing penalty will not be required to be paid pursuant to the provisions of this paragraph (d) shall be determined based upon the correct effective farm marketing quota and correct actual marketings of tobacco from the farm.

6. Section 725.98 would be amended by adding a new paragraph (n) to read as follows:

§ 725.98 Producer's records and reports.

* * * * *

(n) *Report on Form MQ–92, Estimate of Production.* In order to provide a basis for a determination under the first proviso in § 725.87 (f)(1) and as an aid to discouraging, thwarting, and discovering

violations by producers and to enforcing the provisions of the flue-cured tobacco marketing quota program, an estimate of production, Form MQ–92, shall be prepared immediately prior to harvest for each farm (1) producing discount variety tobacco, (2) for which there is an indication of a substantial or total tobacco crop loss, (3) having a producer thereon who is a past violator of the tobacco program, or (4) for which the county or State ASC committee or a representative of the county or State committee believes that an MQ–92 for the farm would be in the best interests of the program.

7. Section 725.100, paragraph (c), subparagraph (4), would be amended to read as follows:

§ 725.100 Dealer's records and reports.

* * * * *

(c) *Record and report of purchases and resales.* * * *

(4) At the end of the dealer's marketing operations but not later than March 1 he shall for each kind of tobacco: (i) Show the word "Final" on his final report, MQ–79, for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, and (iii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification of the quantity of such tobacco.

* * * * *

8. Section 725.101 and the title thereof would be amended to read as follows:

§ 725.101 Dealers exempted from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sales and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100. Any dealer or buyer is required to report on MQ–79 and on MQ–72–2 nonauction purchases from producers and nonauction purchases from other sources.

(b) For the 1969–70 and subsequent marketing years, each dealer or buyer shall also make a report not later than March 1 of each year to the Director, Farmer Programs Division, showing by States where acquired, source and pounds of all tobacco received by him as a result of auction or nonauction sale, including tobacco received which was not billed to him. The report shall show:

(1) For purchases at auction (i) name and address of warehouse, (ii) gross pounds originally billed to the buyer, (iii) gross pounds billed to the buyer for which payment was made, (iv) gross pounds from the buyer's correction account deducted for short baskets, short weights and returned baskets and, (v) gross pounds from the buyer's correction account added for long baskets and long weights.

(2) For purchases at nonauction (i) name and address of seller (dealer or farmer) and, (ii) pounds purchased.

Prior to the issuance of the proposed changes in the regulations, any data, view, or recommendations pertaining thereto which are submitted to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration, provided such submissions are postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 18, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–4854; Filed, Apr. 22, 1969; 8:52 a.m.]

Consumer and Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment for 1968–69 Fiscal Year

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under 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), as the agency to administer the terms and provisions thereof: (1) That the expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period from November 1, 1968, through October 31, 1969, will amount to $264,000, and (2) that there be fixed, at $0.012 per carton of oranges, the rate of assessment payable by each handler in accordance with § 908.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. 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)).

Dated: April 17, 1969.

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

[F.R. Doc. 69–4809; Filed, Apr. 22, 1969; 8:49 a.m.]

[7 CFR Part 950]

IRISH POTATOES GROWN IN MAINE

Expenses

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses, hereinafter set forth, which were recommended by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122, as amended, and Order No. 950, as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. 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)).

§ 950.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122 and Order No. 950, both as amended, to enable such committee to perform its functions under provisions of the amended marketing agreement and order during the fiscal period ending August 31, 1969, will amount to $6,400.

(b) The funds for this budget will come from the committee's account established pursuant to paragraph (b) of § 950.47 *Refunds.*

(c) Terms used in this section shall 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 15, 1969.

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

[F.R. Doc. 69–4855; Filed, Apr. 22, 1969; 8:52 a.m.]

[7 CFR Part 1004]

[Docket No. AO-160-A40]

MILK IN DELAWARE VALLEY 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 Delaware Valley 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 15th 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 Philadelphia, Pa., on November 7-9, 1968, pursuant to notice thereof which was issued October 28, 1968 (33 F.R. 16004).

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

1. Modification of the pooling standards for supply plants and of the "dairy farmer for other markets" definition.
2. Adoption of a "Louisville" payment plan in lieu of the existing "base-excess" payment plan.
3. Modification of the performance standards for pooling distributing plants.
4. Modification of the "producer-handler" definition.
5. Modification of the "producer" definition.
6. A Class I classification for cream for fluid uses.

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. *Modification of the pooling standards for supply plants and of "dairy farmer for other markets" definition.* No change should be made in the pooling standards for supply plants or in the "dairy farmer for other markets" definition on the basis of this record.

Modification of these previsions was proposed by a major cooperative in the market as a means of deterring the shifting of plants and/or dairy farmers in and out of the market for the purpose of exploiting the "base-excess" payment plan. Under the cooperative's proposals a supply plant which was a nonpool plant in any of the months of August through November could not acquire pooling status in any of the subsequent months of March through June in which it was owned or controlled by the same handler or an affiliate of such handler or by any person who controls or is controlled by the handler.

Similarly, a dairy farmer whose milk was received during any of the period of September through February by a handler, affiliate, or person controlling or controlled by such handler could not acquire producer status in the following months of March through August in which his milk was received by such handler at a pool plant, unless such handler could substantiate that not less than 120 days of such dairy farmer's milk production had been received as producer milk during the preceding September-February period.

The proposal would provide further that any dairy farmer who during the July-December period stopped delivering milk to a pool plant (with exception for over diversion or loss of health approval) and delivered his milk to a nonpool plant could not reacquire producer status until after June 30 following.

In support of its proposals, the cooperative's witness pointed out that three supply plants operated by another cooperative association and regularly pooled under the New York-New Jersey order (Order 2) acquired pool plant status under this order in the early part of 1968. Under the base rules provided in the order, the dairy farmers associated with these plants acquired bases computed as though the plants had been regulated under the order throughout the base-earning period of August through December 1967.

The witness related that the dairy farmers delivering to one of these plants (which first became pooled under this order in February 1968) made no contribution to the spring take-out fund under the "Louisville" seasonal incentive plan in operation under the New York-New Jersey order. The dairy farmers associated with the other two plants involved made only a nominal contribution. Effective August 1, 1968, the first month of payback under the New York-New Jersey seasonal incentive plan, the operators of these three plants and of one additional plant, regularly pooled under this order since the adoption of a marketwide pool effective June 1, 1967, adjusted their businesses to remove the plants from regulation under this order to become fully regulated under Order 2.

It was proponent's view that the plants could be expected to maintain regulated status under Order 2 through November to participate to the maximum extent in the distribution of the payback monies under the seasonal incentive plan there, and then return to Order 4 in December to obtain full bases for the 1969 base-operating period.

Proponent stated further that plant shifts of the above nature impede realization of the goals of the seasonal pricing plans in the two markets in that the dairy farmers involved are rewarded through enhanced returns at the expense of dairy farmers whose payments for production in conformance with the intent of the respective seasonal pricing plans are reduced.

It was contended that the time lapse since June 1967 when the marketwide pool was adopted under the Delaware Valley order has been more than adequate to accommodate the association of plants with this market with deliberate judgment. Accordingly, no further accommodation would be appropriate and plants and dairy farmers not meeting the specified performance standards of this market in the short production season should not have pooling privileges in the flush production (base-paying) months.

Official notice is taken of the announcement of the Order 4 market administrator of pool handlers for the months of November and December 1968 (issued Dec. 13, 1968, and Jan. 13, 1969, respectively) which indicates that three of the four plants in question in fact did return to Order 4 in December as proponent had surmised.

The principal matter of concern here is the equitable sharing among producers of the proceeds from the sale of their milk. The "dairy farmer for other markets" provision was incorporated into the order effective June 1, 1967 (when the marketwide pool became effective) to deter a handler from taking on additional dairy farmers as producers under the order during the flush production months for the sole purpose of augmenting his supply of milk for manufacturing uses and thus diluting the pool at the expense of regular producers.

Milk of a "dairy farmer for other markets" and milk of a producer delivering to an unregulated supply plant does not acquire producer milk status under the order and thus is not pooled. Such milk is allocated to the lowest available use class, and to the extent that it is assigned to Class II the dairy farmers involved can realize, under the order, no more than the surplus Class II price. If such milk necessarily is assigned to Class I, however, the responsibility handler must make a payment to the pool of the difference between the Class I price and the market blend. For such milk, therefore, dairy farmers conceivably could receive as much as the market blend price.

The base-excess plan, which was incorporated into the order effective August 1, 1967, was intended to accomplish much the same purpose. That is to say, a dairy farmer's deliveries during the flush months of production which are within his established base (reflecting his market participation in the short production, base-earning period) are paid for at the higher base price while his deliveries in excess thereof are paid for at the excess (Class II) price.

Both the "dairy farmer for other markets" and the base-excess provisions distinguish in the treatment of dairy

farmers delivering to a plant which first enters the market as contrasted to dairy farmers delivering to a plant which was a pool plant and subsequently acquired nonpool status only to reacquire pool status during the flush production months.

It was an apparent misunderstanding on the part of affected parties of the intent of the order in this regard which prompted the proposals here considered. The base-excess provisions of the order provide in § 1004.63(b) that "For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July–December period by pool handlers as producer milk or at the plant as a nonpool plant;".

Official notice is taken of the March 6, 1969, letter of the market administrator to all interested parties concerning the application of § 1004.63(b) of the order, as follows:

> Section 1004.63 of Order No. 4 prescribes the procedure for computing bases for producers. The purpose of this memorandum is to set forth the future application of said section with respect to dairy farmers delivering milk to plants which become pool plants after the beginning of the base-earning period.
>
> Paragraph (b) of said § 1004.63 has been interpreted to apply to any plant which held nonpool status during any or all of the July–December period and subsequently became a pool plant. On the basis of such interpretation certain plants which held pool plant status in the month of July and which acquired nonpool status in the month of August were operated in a manner which insured their continued regulation as pool plants under Order No. 2 through the month of November. Certain of these plants were then operated to reacquire pool status under Order No. 4 in the month of December with the understanding that the producers delivering to such plants would acquire bases computed as though the plants had been pooled throughout the July–December period.
>
> A careful review of the language of said § 1004.63(b) in conjunction with the Secretary's decision of July 13, 1967 (32 F.R. 10592) now clearly establishes that such application of this paragraph is incorrect.
>
> To the contrary, the paragraph was intended to apply only to plants which (first) became pool plants after the beginning of such base-earning period.
>
> Accordingly, henceforth, bases for producers delivering to a pool plant which becomes a nonpool plant during any month(s) of the base-earning period and subsequently (either during or after the end of the base-earning period) again becomes a pool plant will be computed on the basis of deliveries to such plant only during that portion of the base-earning period that such plant held pool plant status.

Clearly, under this future application dairy farmers associated with a plant which leaves the market in August and returns in December, as was the case with three plants in 1968, should have bases reflecting only their deliveries in the months of July and December since the plant already was pooled immediately prior to the beginning of the base-earning period and remained pooled through the first month thereof. Bases so computed likely would not inflict inequities on other producers on the market.

While the situation created by the interorder movements of plants last fall cannot now be recreated in the future in the identical manner, nevertheless an opportunity to exploit the two seasonal plans still exists. A plant leaving the local market prior to the beginning of the base-earning period to obtain pooling status under Order 2 for the months through November if it again obtained pooling status here on December 1 (for example) could fully exploit the payback under the seasonal plan in effect under Order 2 and at the same time obtain a full base for its dairy farmers for the following March–June period under this order.

The inappropriateness of this result was clearly recognized by the Secretary in his decision of July 13, 1967 (32 F.R. 10592) adopting the base-excess plan under Order 4 in concluding that such a result "would allow the producer a decided financial advantage under both orders without commitment to either market."

As previously indicated, the "dairy farmer for other markets" and base-excess provisions are intended, by different means, to limit a dairly farmer's participation in the Class I proceeds during the flush production months in a manner commensurate with his performance in the short production months. While the two provisions are not wholly complementary, a proper means of solution is not available on this record. To the extent that a dairy farmer delivered milk to a pool plant(s) in the short production months he would necessarily acquire producer status and hence a base reflecting his actual performance as a produer during these months. While under the proposed amendments to the "dairy farmer for other markets" and pool supply plant provision he would be denied producer status in the flush months on the basis of nonproducer status in any part of the base-earing period, this would not affect his ability to dispose of his acquired base for financial remuneration. At the same time, as a "dairy farmer for other markets" or as a producer associated with a nonpool supply plant during the base-paying period he could receive as much as the market blended price if his milk were being disposed of essentially for Class I use. In total such an individual therefore might not be adversely affected financially and likely would fare far better than he would as a producer with only a partial base. Under certain circumstances, he could fare even better than regular producers. It cannot be concluded that the adoption of promonent's proposals would have an appropriate result; particularly, since the plants could shift between markets only by supplying essentially Class I outlets.

Because the milk of "dairy farmer for other markets" and receipts from unregulated supply plants can be credited at the blended price, and since the base-excess provisions operate as described, it seems likely that the order could be effective in accomplishing proponent's desired end only if the "dairy farmer for other markets" provision were removed in conjunction with appropriate modification of the base-excess plan. Under any circumstances the desired end cannot be achieved without appropriate modification of the base-excess provisions. The latter provisions were not open for modification under the limited hearing call. It is concluded, therefore, that no action should be taken with respect to this issue on this record. If further consideration of the matter is desired, it should be under a new proceeding and appropriately should be heard prior to July 1, the first month in the base-earning period.

2. *Adoption of a "Louisville" payment plan in lieu of the existing "base-excess" payment plan.* No action should be taken on this record to substitute a so-called "Louisville" seasonal payment plan for the existing base-excess payment plan.

A proposal to eliminate the base-excess provisions of the order and provide a Louisville payment plan essentially identical to that now in effect under the New York-New Jersey and New England Federal orders was made by one of the larger cooperatives in the New York-New Jersey market which also has significant membership among producers under Order 4.

Proponent's fundamental purpose in making this proposal was the same as that of proponent of the proposals previously considered under issue No. 1; that is, removal of the incentive for plants and producers to shift between Orders 4 and 2 for the sole purpose of exploiting the two different seasonal payment plans at the expense of other producers under the respective orders. In addition, however, proponent held that the operation of two different seasonal payment plans in adjacent markets with overlapping supply areas such as exist between Orders 2 and 4 causes unrest among producers generally and deters full realization of the intent of the respective plans. It was further held that since the New York-New Jersey and New England orders each provide a "Louisville" payment plan and these orders regulate by far the greater portion of the milk supplies in the northeastern region, this should be compelling in any decision relative to the type of payment plan to be provided in the Delaware Valley market.

Contrary to proponent's view, both the base-excess and "Louisville" seasonal incentive plan obviously can be effective in promoting a desirable seasonality of production in any particular market. Although both plans have wide acceptance in many markets each has shortcomings in the views of some dairy farmers in this market. In order to be effective, the plan provided in any individual market must have the approval of the majority of producers on that market. Cooperatives representing a majority of the producers on the Delaware Valley market support the base-excess plan now provided.

3. *Modification of the performance standards for distributing plants.* The minimum overall utilization percentage prescribed as one condition for pooling distributing plants should be expressed in terms of total Class I utilization rather than route disposition as at present. No change, however, should be made in the standard prescribing the minimum degree of association with the local market, which presently is expressed in terms of route disposition in the marketing area. In addition, the pool distributing plant provisions should be revised further by providing pool status for plants which meet prescribed performance standards but receive no milk from dairy farmers either directly or through a cooperative association as a handler on bulk tank milk.

As a corollary change, the minimum performance standard for supply plants should be expressed in terms of shipments to distributing plants meeting the new Class I utilization requirement for pooling. As another corollary amendment, the handler location differential provisions should be modified to deter any possible pricing advantage which might otherwise be realized through interplant movements as a result of the changes in the pooling standards herein adopted.

Finally, the provisions prescribing the procedure for computing the obligation for pool handlers should be modified to remove the possibility of a second payment requirement on milk received from a partially regulated distributing plant which milk was fully priced under this or any other Federal order.

A cooperative association which operates pool supply plants proposed modification of the distributing plant pooling requirements so that: (1) A plant might qualify for pooling on the basis of its disposition of receipts from pool supply plants in addition to qualification on the basis of its disposition of direct receipts from dairy farmers, and (2) in addition to route disposition, transfers of packaged fluid milk products would be counted as qualifying disposition.

In support of its proposals, the cooperative pointed out that a distributing plant which receives all its milk supply through a supply plant may not acquire pooling status under the terms of the present order even though such distributing plant may be the means by which the supply plant acquires its pooling status. Transfers from such a nonpool distributing plant, either in bulk or packaged form, to a pool distributing plant are assigned pro rata to classes of use as an other source receipt at such pool distributing plant. Proponent pointed out the possibility that under present provisions such milk assigned to Class I could be subject to a pool payment at the difference between the Class I price and the market blended price regardless of the fact that such milk might have been fully accounted for at the originating supply plant as Class I milk.

Proponent pointed out that such accounting with respect to receipts from a nonpool plant which receives all its milk from pool supply plants can reduce the amount of supply plant milk which is assigned to Class I, and hence the amount of milk on which the cooperative can recover hauling costs. Proponent suggested, also, that because custom bottling is becoming an ever-increasing marketing practice, a pool distributing plant having an increasing custom bottling operation might at some stage be forced into nonpool status even though as much as 99 percent of its milk might be packaged for distribution as Class I milk in the marketing area. This could occur simply because the plant met neither the 50 percent present route disposition requirement for distributing plants nor the 50 percent shipping requirement for supply plants.

To insure continuing equitable treatment of its supply plant milk, the cooperative, in certain instances where it is the sole supplier, is moving one load of producer milk directly from the farm to a bottling plant on at least 1 day during the month to maintain such plant's continuing status as a pool distributing plant. This procedure, proponent contended, is uneconomic and the consequence of the inadvertent missing of a shipment in any month could be such as to impose an unreasonable penalty.

Basically, pooling standards are intended to accommodate a sharing of the Class I sales of the regulated market among those dairy farmers who constitute its regular source of milk supply.

Under many Federal orders, a distributing plant is pooled on the basis of meeting specified Class I disposition percentages with respect to its total milk receipts. However, in an effort to avoid certain problems which can result from interdependent pooling requirements, the pooling standards under this order were adopted in terms of specified disposition percentages with respect to receipts from dairy farmers only. Since the order contains provisions intended to assure the appropriate pricing of all milk disposed of for fluid use in the regulated market, it was not considered necessary to provide pooling status for a distributing plant receiving all its milk from other plants.

Under the terms of the order, a distributing plant receiving all milk from other plants is treated as a partially regulated plant and as such is charged only for its Class I route sales in the marketing area. A transfer from such a plant to a pool plant is treated as a receipt of other source milk and is allocated prorata to the utilization at the transferee plant. On any such milk allocated to Class I the operator of the pool plant is required to make a pool payment of the difference between the Class I and market uniform prices.

Such treatment would be appropriate under usual circumstances since partially regulated distributing plants normally have the preponderance of their disposition outside the regulated market and receive their milk directly from diary farmers in competition with the producers supplying fully regulated handlers.

The situation here confronting us is uniquely different in that a distributing plant is receiving essentially its entire milk supply from a pool supply plant and almost its entire output of milk is disposed of in the regulated market either directly on routes or through other plants.

Proponent's basic objectives are to insure the continued pooling of its supply plant milk and at the same time to recover to the fullest extent possible, through a Class I classification, transportation cost involved in moving its milk to the central market.

There are clearly advantages in the application of regulation to have any distributing plant substantially associated with the local fluid market fully regulated even though such plant has no direct dairy farmer receipts. In the case of a partially regulated plant buying milk only from pool supply plants operated by cooperative associations, there is no effective means of insuring payment to such cooperative association of the prescribed minimum order prices. Consequently, the cooperative could be the unfortunate victim of underpayment on the part of the operator of the partially regulated plant.

In the case at issue the cooperative has acted to insure full regulation of its buyer handler. Under the circumstances, there is no apparent reason why the proposal should not be implemented. Accordingly, an additional alternative pooling standard for distributing plants is adopted, reflecting the same overall utilization and performance requirements with respect to the plant's total milk receipts from other plants as are now required only with respect to those of plants which receive milk directly from dairy farmers.

Proponent further requested that interplant transfers of packaged fluid milk products be treated as route disposition for purposes of applying pooling standards. The decision of Assistant Secretary of April 7, 1967 (32 F.R. 5876) adopting the present pool plant provisions, official notice of which is taken, substantiates that while he employed the term "route disposition" as a standard of overall performance for distributing plants, he used the term synonymously with overall Class I utilization.

It is not apparent what useful purpose is served by measuring overall performance of a distributing plant in this market solely on route disposition. Since the minimum percentage requirement of route disposition in the marketing area establishes a plant's substantial association with the local market, it is concluded, in the interest of continuing orderly marketing, that the overall utilization standard as applied to distributing plants should be modified so as to be expressed in terms of total Class I utilization.

Notwithstanding the above, appropriate safeguards must be provided to prevent a cooperative association operating supply plants from circumventing the intent of the order by using an intermediate plant as a means of transferring supply plant milk to other pool handlers

and acquiring Class I location credits which could not be acquired by direct movements to the plant of ultimate receipt. The change in pool plant standards hereinbefore set forth could readily implement this end. Accordingly, as a corollary change, a proviso is added to § 1004.52(b) to provide that, in the computation of location differential credits to handlers, transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant, shall be treated as though the transfer was direct from the originating plant to the plant of ultimate receipt.

Finally, to remove the possibility of a double pool obligation on milk moving through a partially regulated plant, the provisions prescribing the procedure for computing the obligation of pool handlers is modified to eliminate the prescribed payment by the pool handler on Class I milk received from a partially regulated distributing plant if such milk has already been classified and priced as Class I under this or any other Federal order.

4. *Modification of the producer-handler definition.* The producer-handler provisions of the order should be amended to provide a limit of 10,000 pounds on the quantity of fluid milk products which a producer-handler may receive from pool plants during any month and still retain his exempt status. Such limit on the quantity of a producer-handler's supplies of fluid milk products other than his own farm production is necessary at this time in this market to insure continued orderly marketing and an equitable sharing among producers of the proceeds from the sale of their milk.

Typically, a producer-handler conducts an operation in which he processes, bottles and distributes preponderantly only milk of own-farm production. Historically, operations of this nature have been of little consequence in this market.

Prior to June 1967 the market operated under an individual-handler pooling arrangement. Under such pooling procedure no useful purpose could have been served by full regulation of a business in which an individual operated both a dairy farm and a processing-distributing business but received no milk from other dairy farmers. However, his sources of Class I milk other than his own farm production were subjected to full regulation under the terms of the then existing order.

With the adoption of marketwide pooling effective June 1, 1967, additional conditions were added to insure that a producer-handler could not place on other producers the burden of carrying his balancing supplies. These conditions included limiting a producer-handler's source of supplemental supplies to pool plants and classifying any receipts from pool plants as Class I milk. In addition, any receipts of milk by pool handlers from producer-handlers were credited at the Class II price.

Until recently there were only six producer-handler operations in this market, one of which was a certified milk operation. The other five operations were small, their individual production averaging about the same as that for other producers on the market and their Class I sales averaging significantly less than their production.

The situation changed in September 1968, however, when a handler with own farm production buying the remainder of his milk directly from members of a major cooperative (a bargaining cooperative) decided to acquire producer-handler status by purchasing plant milk rather than buying milk directly from dairy farmers and thus avoid pooling his own production. Accordingly, he terminated purchases from producer members, closing out a contractual arrangement of more than 20 years.

The handler's new supply source is a pool plant of an operating cooperative association whose primary membership is among producers in the adjacent New York-New Jersey market. This cooperative is selling the handler, in his new role as a producer-handler, plant milk delivered to his plant at the order Class I price for that location. Hence the handler is getting his supplemental milk at the same price which he would have been required to account for Class I milk received directly at his plant from dairy farmers while not incurring the additional costs of receiving, payrolling, and related services necessarily experienced by a handler on direct receipt milk.

Under usual circumstances a handler buying plant milk from another handler would have to pay for such milk a price reflecting the minimum class prices prescribed by the order plus the selling handler's costs for services performed and for extra plant handling and, in addition, a reasonable profit. It is questionable under such circumstances and the conditions of this market whether any handler with own farm production could advantageously give up his regular producers for the purpose of acquiring producer-handler status except under circumstances where his own production represented a preponderance of his needs.

The handler in question produces close to 200,000 pounds of milk per month, better than five times the market average. His own production represents nearly half of his Class I sales. It seems most improbable that this handler would have seriously considered giving up his regular producers except for the fact that instead of realizing the blend price for his own farm production he could now realize the order Class I price for such production without incurring the cost of maintaining the reserve supplies associated with his Class I sales.

Without appropriate amendatory action it is now clearly prospective that any handler in this market with own farm production can readily assume producer-handler status solely for the purpose of avoiding pooling of his own production.

In its first consideration of the problem the bargaining cooperative made two alternative proposals which were set forth in the hearing notice. The first proposal (Proposal No. 3) would deny an operating cooperative the right to sell plant milk to producer-handlers. The second proposal (Proposal No. 4) would, in effect, place bargaining cooperatives on equal sale terms with operating cooperatives by permitting the former to sell bulk tank milk directly to producer-handlers.

While the first alternative proposal would ameliorate the immediate problem in that it would deny all cooperatives the opportunity to sell milk to producer-handlers, it could work unnecessary hardships on producer-handlers in their procurement of supplemental milk. The second proposal likewise represents no solution in that it would merely give to bargaining cooperatives equal opportunity with operating cooperatives to negate the intent of the order relative to producer-handler operations.

While these alternatives were not abandoned, the proponent cooperative supported a third proposal which would limit producer-handlers' ability to buy supplemental milk from any source substantially in the manner herein adopted.

Experience under Federal orders generally has demonstrated that effective regulation of the market can be insured without direct involvement of individuals who produce, process and distribute essentially milk of their own production and who buy no milk from other dairy farmers. Individuals who assume a dual role of producer and handler and who must carry their own balancing supplies seemingly have no demonstrable advantage either as a producer or a handler.

The change in status of a substantial handler in September obviously is of concern both to producers and handlers. Their basic purpose was appropriate amendment of the order to remove the inequities created by this handler's change to producer-handler status and to deter similar decisions on the part of other substantial handlers. To this end the various limitations on supplemental milk purchases by producer-handlers were proposed. The most liberal of these proposals would permit producer-handlers the opportunity to purchase the lesser of 5 percent of his production (or in the alternative Class I sales) or 5,000 pounds in any month.

Clearly in the immediate situation the handler at issue is purchasing far above normal balancing supplies. His operation bears essentially no resemblance to that of producer-handlers in the traditional view.

In view of the foregoing, a substantial handler buying more than an incidental amount of supplemental supplies should not have status as a producer-handler. To the contrary, as has been previously stated, to hold such status an individual should handle preponderantly only his own farm production.

For the subject handler 5 percent of his own production represents approximately 10,000 pounds which is about 2½ percent of his total Class I sales. A limitation of 10,000 pounds obviously would deny this handler continuing producer-handler status. Since no other problem with producer-handlers was cited, it is concluded that such limitation on a producer-handler's purchases will best

insure against the unintentional involvement in regulation of producer-handlers as a group. At the same time it should be effective in deterring larger handlers with own farm production from evading the pooling of such production by seeking producer-handler status.

5. *Modification of the "producer" definition.* The proposal to revise the definition of "producer" under the Delaware Valley order to exclude a dairy farmer whose farm is part of a pool bulk tank unit under the New York-New Jersey order should not be adopted.

The provisions of the New York-New Jersey order deny full pool status during December through June for any bulk tank producer whose milk was delivered as producer milk under another order during any of the preceding months of July through November. Under the Delaware Valley order producer status is normally provided for a dairy farmer whose milk is received at a pool plant.

The modification was proposed by a cooperative association which operates bulk tank units under the New York-New Jersey order. The cooperative's spokesman indicated that it had had opportunities to make spot sales of milk for Class I use to Delaware Valley handlers in the July–November period but refused to make such sales since the producers whose milk was involved would lose their status as part of a pool bulk tank unit under the New York-New Jersey order. To make such sales would deny pooling of their milk in New York-New Jersey in certain subsequent months. He pointed out that adoption of the proposal would provide the cooperative with greater flexibility in marketing its members' milk and suggested that it would insure like treatment of the cooperative's member milk at Delaware Valley plants irrespective of whether it was moved through a New York-New Jersey pool plant or direct from the farm.

The adoption of this proposal was opposed by the largest cooperative association in the Delaware Valley market. The association's witness suggested, however, that it would be appropriate to recognize a receipt of bulk tank unit milk as a diversion if a Class II classification applied. This procedure, it was suggested, would facilitate the disposal of New York-New Jersey reserve supplies if that is the problem from which proponent seeks relief. On the other hand, it was held that disorderly marketing would result if milk were permitted to be diverted between the orders for Class I use.

Under the Delaware Valley order plants acquire pool status only by meeting specified performance standards. Dairy farmers acquire producer status only through their association with and on the basis of the receipt of their milk at pool plants. Under the New York-New Jersey order, on the other hand, dairy farmers who operate with farm bulk tanks are pooled on the basis of having had their farms designated as a part of a pool bulk tank unit. Having been so designated, milk from such farms is pooled regardless of its disposition unless a request is made of the market administrator for removal of the farm(s) as part of a pool unit or the milk is pooled under another order. Since milk, having acquired pooling status, may continue in this status regardless of the manner in which it is handled or used certain deterrents are included in the order to prevent milk from being disassociated with the market when it has an outside Class I outlet and reacquiring pooling status when it has only a lower valued manufacturing outlet.

It is the conflict in basis of pooling between the two orders which creates the situation prompting the proposal here being considered. Proponent's proposal disregards the fact that a plant is pooled each month under the order covering that market in which it had the greater Class I sales or shipment, as the case may be, during such month. Designated pool unit milk under the proposal would continue to be pooled under Order 2 regardless of the disposition of the milk.

This is a fundamental difference which cannot be ignored. Adoption of proponent's proposal would give to operators of Order 2 pool bulk tank units the opportunity for indiscriminate solicitation of Class I sales outlets with Delaware Valley processing plants without jeopardizing the continuing status under Order 2 of the dairy farmers involved. The proceeds from all of such sales would thus accrue exclusively to producers under the New York-New Jersey order in the form of a higher uniform price. Conversely, the loss of such sales on the part of Delaware Valley producers would be reflected in the form of a lower uniform price. The net effect of such changes in the uniform prices would be the encouragement of greater production under the New York-New Jersey order and the discouragement of production under the Delaware Valley market. To provide an incentive to increase production under Order 2 whenever milk is needed to meet additional Class I sales in Delaware Valley would not be appropriate.

Proponent's real problem is that with the acquisition of producer status under Delaware Valley in any particular month for any of its member producers included in a designated pool bulk tank unit, such dairy farmers lose their producer status under Order 2 and in certain months thereafter may not hold producer status there. As previously indicated there is a difference in pooling theory between the two orders. The present producer definition under which dairy farmers can readily change from producer to nonproducer status and back to producer status under the Delaware Valley order is consistent with the general basis of pooling milk in the Delaware Valley market and therefore should not be changed.

6. *Classification of cream for fluid use.* No change should be made with respect to the classification of cream for fluid use on the basis of this record.

Two proposals relating to the classification of cream were set forth in the hearing notice. One proposal made by an operating cooperative with primary interest in the New York-New Jersey market would provide a Class I classification for cream disposed of for fluid use. A more restricted proposal made by another cooperative in this market would provide such Class I classification only on cream disposed of by regulated handlers on routes in the New York-New Jersey marketing area.

Witnesses supporting the broader of the two proposals pointed out that simultaneously with the adoption of a skim milk and butterfat accounting procedure under the New York-New Jersey order effective July 1, 1968, the classification of cream disposed of for fluid use outside the metropolitan area of the market was changed from Class II to Class I. They offered extensive testimony to substantiate that notwithstanding the fact that Philadelphia had historically been considered to be an open cream market, the same health regulations governing the production and handling of milk for fluid use in the market were, in fact, generally applicable to cream for fluid use. In this respect, they contended that the circumstances prompting the change in classification under Order 2 were no different than those existing in this market. It was, therefore, equally appropriate and necessary to provide a Class I classification under the Delaware Valley order for cream disposed of for fluid use.

In further support of their position, proponents for both proposals pointed out that the marketing areas under the two respective orders are contiguous across central New Jersey and that there is interorder route competition in the adjacent portions of both markets. They argued that the difference in classification of cream as between the two orders could, therefore, result in a loss of cream sales on the part of Order 2 handlers to the advantage of Order 4 handlers.

Delaware Valley handlers and producer cooperatives opposed any change in the classification of fluid cream disposed of in the Delaware Valley marketing area. It was their position that because of the competition from cheaper substitute products made from vegetable fat, cream sales have been rapidly declining. An increase in the price of fluid cream, they suggested, would merely further accelerate this trend. Cooperatives' spokesmen also pointed out that a change in the classification of cream under this order would create problems between Delaware Valley and Upper Chesapeake Bay where cream also is now classified as Class II. It was suggested that if any change in classification of cream is nevertheless concluded to be necessary, it should be limited to route sales of Delaware Valley handlers in the Order 2 marketing area. Order 2 producer groups, however, opposed such an action, contending that it would not result in the same classification and pricing with respect to sales in the Delaware Valley market by handlers under the two respective orders.

The matter at issue does not appear to be one of substantial proportions. During the past 5 years, sales of cream for

fluid use by Delaware Valley handlers have declined approximately 30 percent while total Class I sales of fluid milk products have increased about 20 percent with the result that the volume of fluid cream sales is less than 1 percent of the volume of total fluid milk product sales. Obviously, under such circumstances a change in the classification of cream could have little overall effect on producer returns. A Class I classification would, however, increase handlers' cost for cream and thus further deteriorate an already unfavorable competitive price relationship between cream and vegetable fat substitutes and thus likely reduce even further the volume of cream disposed of for fluid consumption.

It was not clear on the basis of this record that all of the considerations which prompted the Secretary to provide a Class I classification for cream under Order 2 are present in this market. Moreover, there was no showing that the present classification of cream is in fact contributing in any way to any disorder in the marketing of milk here or under the New York-New Jersey order. It is concluded, therefore, that no change should be made in the classification of cream on the basis of this record.

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.

In its brief Eastern Milk Producers Cooperative Association, Inc., requested consideration of its motion made at the hearing that proposals No. 1 and No. 2 be stricken. The presiding officer's ruling has been reviewed in light of the arguments presented. The ruling, for the reasons stated by the presiding officer on the record, is hereby affirmed.

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 Delaware Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marking 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:

1. In § 1004.8 paragraphs (a) and (b) are revised to read as follows:

§ 1004.8 **Pool plant.**

* * * * *

(a) A distributing plant from which during any of the months of September through February a volume equal to not less than 50 percent and during any of the months of March through August not less than 45 percent, of its receipts described in either subparagraph (1) or (2) of this paragraph, is disposed of as Class I milk in the form of fluid milk products and the volume disposed of as route disposition in the form of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts.

(1) The milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

(2) Receipts of fluid milk products from other plants in the case of a plant with no receipts described in subparagraph (1) of this paragraph.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association) or from a cooperative association in the capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as Class I milk in the form of fluid milk products, and the volume so disposed of as route disposition of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

* * * * *

2. Section 1004.12 is revised to read as follows:

§ 1004.12 **Producer-handler.**

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants: *Provided,* That (a) the quantity of fluid milk products received during the month from pool plants shall not exceed 10,000 pounds; and (b) such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

3. In § 1004.52 paragraph (b) is revised to read as follows:

§ 1004.52 **Location differentials to handlers.**

* * * * *

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.10(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants and from dairy farmers for other markets pursuant to § 1004.14(b). Such assignment is 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: *Provided,* That for purposes of this paragraph transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

* * * * *

4. In § 1004.70 paragraph (e)(2) is revised to read as follows:

§ 1004.70 Computation of net pool obligation of each pool handler.

* * * * *

(e) * * *

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.46(a)(9), and the corresponding step of § 1004.46(b) (excluding milk from dairy farmers for other markets and receipts from partially regulated distributing plants for which disposition a specific allocation was made to Federal order receipts from this or any other order), adjusted for the location of the nearest plant from which such types of receipts were received.

Signed at Washington, D.C., on April 18, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-4856; Filed, Apr. 22, 1969; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-14]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate and alter transition areas at Wausau, Mosinee and Marshfield, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

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

The Central Wisconsin Airport is a new airport being built near Mosinee, Wis. A public use instrument approach procedure has been developed for this new airport using the Wausau, Wis., VOR as a navigational aid. An additional public use instrument approach procedure has also been developed for the Marshfield, Wisconsin Airport utilizing a city-owned RBN as a navigational aid. Further, additional controlled airspace southwest of Wausau, Wis., is required for the use of aircraft transitioning to and from airports in this area of Wisconsin, these airports being the Marshfield Municipal, Central Wisconsin, Wausau Municipal, Stevens Point and Wisconsin Rapids Airport. As a result of the foregoing, it is necessary to designate a transition area at Mosinee, Wis., and to alter the Marshfield, Wis., and Wausau, Wis., transition areas in order to provide controlled airspace for the protection of aircraft utilizing the new approach procedures and when transitioning to and from the airports listed above.

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

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

MOSINEE, WIS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'40" N., longitude 89°40'00" W.), excluding the portions which overlie the Wausau and Stevens Point, Wis., transition areas.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MARSHFIELD, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 44°38'10" N., longitude 90°11'20" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

(3) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

WAUSAU, WIS.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 138° bearing from Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.), extending from the 5-mile radius control zone to 9 miles southeast of the airport; and that airspace extending upward from 1200 feet above the surface bounded on the North by a line 6 miles north of and parallel to the Wausau VOR 273° radial, the arc of a 15-mile radius circle centered on the Wausau Municipal Airport and a line 9 miles north of and parallel to the Wausau VOR 106° radial, on the East by an arc of a 35-mile radius circle centered on the Wausau VOR, on the South by a line 5 miles south of and parallel to the Stevens Point, Wis. 089° radial, the arc of a 15-mile radius circle centered on the Stevens Point VOR, the Stevens Point VOR 230° radial, the Camp Douglas, Wis., transition area, and V-345, on the West by longitude 90°40'00" W.

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

Issued at Kansas City, Mo., on March 26, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-4802; Filed, Apr. 22, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-13]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Mankato, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Airport is being built and the Stateing, 601 East 12th Street, Kansas City, Mo. 64106.

A new Mankato, Minn., Municipal Airport is being built and the State-owned VOR facility is being relocated to a location on the new airport. The present Municipal Airport will be closed when operations can be moved to the new airport. A new public use instrument approach procedure has been developed utilizing the relocated VOR as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by altering the Mankato control zone and transition area. The present procedure will be canceled when the existing Mankato Municipal Airport is closed.

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

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MANKATO, MINN.

Within a 5-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and within 2 miles each side of the 167° bearing from Mankato Municipal Airport, extending from the 5-mile radius zone to 8 miles south of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MANKATO, MINN.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 167° bearing from Mankato Municipal Airport, extending from the airport to 13 miles south of the airport; and within 5 miles each side of the 347° bearing from Mankato Municipal Airport, extending from the airport to 12 miles north of the Airport.

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

Issued at Kansas City, Mo., on March 26, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-4803; Filed, Apr. 22, 1969; 8:48 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-EA-19]

JET ROUTE SEGMENTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 30 segment between Appleton, Ohio, and Front Royal, Va.; and realign and extend Jet Route No. 149 segment between Casanova, Va., and Fort Wayne, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

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

The Federal Aviation Administration proposes the following airspace proposals:

1. Realign J-30 segment from Appleton to Front Royal via the intersection of the Appleton 111° T (113° M) and Bellaire, Ohio, 142° T (146° M) radials.

2. Realign and extend J-149 segment from Casanova to Fort Wayne, Ind., via the intersection of Casanova 280° T (286° M) and Rosewood, Ohio, 116° T (117° M) radials; and the Rosewood VORTAC.

The realigned segment of J-30 would be utilized as an arrival route for traffic landing at Washington National and Washington Dulles Airports. The realigned and extended segment of J-149 would be utilized as a departure route for jet traffic departing the Washington terminal area.

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

Issued in Washington, D.C., on April 14, 1969.

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

[F.R. Doc. 69-4804; Filed, Apr. 22, 1969; 8:49 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 171, 173, 178]

[Docket No. HM-22; Notice No. 69-10]

MATTER INCORPORATED BY REFERENCE

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amending the Hazardous Materials Regulations to (1) include a section specifically stating the terms by which material is incorporated by reference in these regulations and the availability of the material incorporated by reference; and (2) make appropriate changes throughout the regulations consistent with the proposed new section on incorporation by reference. It is also proposed to delete present §§ 171.6 and 171.7 since procedural matters are covered by Part 170 of the regulations.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 29, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

As mentioned above, the Board proposes to delete present §§ 171.6 and 171.7 since this material is now covered by Part 170. New § 171.7 would contain the specific statement of incorporation by reference. In addition, each section in Parts 170–179 which contains an incorporation by reference would be amended to make the reference consistent with § 171.7. Where the required change is merely the deletion of a date or another minor change the proposed rewording has not been set forth. Where more than a minor change is involved the specific reworded section is set forth below.

By accomplishing this revision the Board believes that the updating of the Hazardous Materials Regulations to pick up new or revised codes will be made simpler since in most cases only § 171.7 will need to be amended.

Besides revision to provide current reference to a standard, it is proposed to amend § 173.306(e)(1) to require that all openings in pressure vessels installed in refrigerating machines, except openings for safety devices, be equipped with shutoff valves which must be closed prior to and during transportation. The Board believes that shutoff valves should be required on individual vessels of refrigerating equipment to afford the same level of safety as when more than one vessel is involved. Shutoff valves, closed during transportation, reduce or eliminate the hazard due to loss of large quantities of refrigerant gas from vessels should other components of a refrigerating system fail or be damaged. It is also proposed to require marking of shipping name on packages regardless of the mode of transportation.

In consideration of the foregoing, it is proposed to amend certain sections of the Hazardous Materials Regulations as follows:

I. Part 171 would be amended as follows:

(A) Section 171.6 in the Table of Contents would be canceled; § 171.7 would be amended to read as follows:

Sec.
171.7 Matter incorporated by reference.

§ 171.6 [Canceled]

(B) Section 171.6 would be canceled in its entirety.

(C) Section 171.7 would be amended in its entirety to read as follows:

§ 171.7 Matter incorporated by reference.

(a) There are incorporated by reference in Parts 170–179 of this chapter all materials referred to therein that are not specifically set forth. These materials are hereby made a part of these regulations.

Materials subject to change are incorporated as they are in effect on the date of adoption of the amendment referencing that material unless the reference provides otherwise.

(b) All incorporated materials are available for inspection in the Docket Room, Room 304, 400 Sixth Street SW., Washington, D.C. 20590.

(c) Materials incorporated by reference are available for distribution as follows:

(1) ASME: American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

(2) USA Standard: United States of America Standards Institute, 10 East 40th Street, New York, N.Y. 10016 (formerly American Standards Association (ASA)).

(3) CGA: Compressed Gas Association, Inc., 500 Fifth Avenue, New York, N.Y. 10036.

(4) NGPA: National Gas Processor's Association, 803 Home Federal Building, 404 South Boston, Tulsa, Okla. 74102.

(5) Bureau of Explosives: Bureau of Explosives, Association of American Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

(6) AAR: Association of American Railroads, 59 East Van Buren Street, Chicago, Ill. 60605.

(7) ASTM: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

(8) API: American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020.

(9) AISI: American Iron and Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.

(10) Chlorine Institute, 342 Madison Avenue, New York, N.Y. 10017.

(11) MCA: Manufacturing Chemists' Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

(12) NFPA: National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

(d) The full title and application of publications incorporated by reference in Parts 170–179 of this chapter are as follows:

(1) ASME Code: means sections VIII and IX of the 1968 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code" and addenda thereto through December 31, 1968.

(2) AAR Specifications for Tank Cars: means the 1968 edition of the "Association of American Railroads Specification for Tank Cars".

(3) Compressed Gas Association:

(i) CGA Pamphlet C–3 is titled, "Standards for Welding and Brazing on Thin Walled Containers," 1968 edition;

(ii) CGA Pamphlet C–6 is titled, "Standards for Visual Inspection of Compressed Gas Cylinders," 1968 edition;

(iii) CGA Pamphlet C–8 is titled, "Standard for Requalification of ICC–3HT Cylinders," 1962 edition;

(iv) CGA Pamphlet S–1.2 is titled, "Safety Relief Device Standards Part 2—Cargo and Portable Tanks for Compressed Gases," 1966 edition.

(4) USA Standard B9.1 is titled "Safety Code for Mechanical Refrigeration," 1964 edition.

II. Part 173 would be amended as follows:

(A) Paragraph (e) in § 173.306 would be amended in its entirety to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

* * * * *

(e) *Refrigerating machines and hydraulic accumulators.* (1) Refrigerating machines or components thereof which are to be shipped only once to a point of installation are exempt from specification packaging, labeling, and the requirements of Part 177 of this chapter, except § 177.817 and Part 397 of Chapter III of this title, only under the following conditions:

(i) Each pressure vessel must not contain more than 1,000 pounds of Group I refrigerant as classified in USA Standard B9.1 or not more than 50 pounds of refrigerant other than Group I.

(ii) Machines or components having two or more charged vessels must not contain an aggregate of more than 2,000 pounds of Group I refrigerant or more than 100 pounds of refrigerant other than Group I.

(iii) Each pressure vessel must be equipped with a safety device meeting the requirements of USA Standard B9.1.

(iv) Each pressure vessel must be equipped with a shutoff valve at each opening except openings used for safety devices and no other connection. Such valves must be closed prior to and during transportation.

(v) Pressure vessels must be manufactured, inspected and tested in accordance with USA Standard B9.1, or when over 6 inches internal diameter, in accordance with the ASME Code.

(vi) All parts subject to refrigerant pressure during shipment must be tested in accordance with USA Standard B9.1.

(vii) The liquid portion of the refrigerant, if any, must not completely fill any pressure vessel at 130° F.

(viii) The amount of refrigerant, if liquefied, must not exceed the filling density prescribed in § 173.304.

(B) Paragraph (j)(1) in § 173.315 would be amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(j) * * *

(1) Each container must be constructed in compliance with the requirements of the ASME Code (earlier editions starting with 1943 are authorized) and must be marked to indicate compliance in the manner specified by the respective Code.

* * * * *

III. Part 178 would be amended as follows:

(A) Paragraph (a) in § 178.245–1 would be amended in its entirety to read as follows:

§ 178.245 Specification 51; steel portable tanks.

§ 178.245–1 Requirements for design and construction.

(a) Tanks must be of seamless or welded steel construction or combination of both and must have in excess of 1,000 pounds water capacity. Fusion welded tanks must be postweld heat treated and radiographed to provide the highest joint efficiency provided by the ASME Code. Tanks must be designed and constructed in accordance with and fulfill the requirements of the ASME Code. Tanks constructed in accordance with the requirements of Part UHT of the ASME Code must comply with the following additional requirements:

(1) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein the following must be considered to be essential variables: Number of passes, thickness of plate, heat input per pass, and manufacturer of rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25 percent from the procedure qualification. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

(2) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full-sized specimens shall be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0° F. Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

* * * * *

(B) In § 178.255–1 paragraphs (a), (b), and (c) would be amended; in § 178.255–2 paragraph (a) would be amended to read as follows:

§ 178.255 Specification 60; steel portable tanks.

§ 178.255–1 General requirements.

(a) Tanks must be of fusion welded construction, cylindrical in shape with seamless heads concave to the pressure. Tank shells may be of seamless construction.

(b) Tanks must be designed and constructed in accordance with and fulfill all the requirements of the ASME Code.

(c) Tanks including all permanent attachments must be postweld heat treated as a unit.

* * * * *

§ 178.255–2 Material.

(a) Material used in the tank must be steel of good weldable quality and conform with the requirements of the ASME Code.

* * * * *

(C) In § 178.337–1 paragraphs (a), (f) would be amended; in § 178.337–2 paragraph (a) (1) and (2) would be amended; in § 178.337–4 paragraph (b) would be amended; in § 178.337–6 paragraph (a) would be amended; in § 178.337–16 paragraph (a), paragraph (b) (1) and (2) would be amended to read as follows:

§ 178.337 Specification MC 331; cargo tanks constructed of steel, primarily for transportation of compressed gases as defined in the Compressed Gas Section. Requirements to be met in all particulars with respect to all such tanks constructed after September 1, 1965.

§ 178.337–1 General requirements.

(a) *ASME Code construction.* Tanks must be seamless or welded steel construction or combination of both and must be designed and constructed in accordance with and fulfill the requirements of the ASME Code. Each tank must also meet the following additional requirements:

* * * * *

(f) *Postweld heat treatment.* Postweld heat treatment must be as prescribed in the ASME Code except that each tank constructed in accordance with Part UHT of the ASME Code must be postweld heat treated. Each chlorine tank must be fully radiographed and postweld heat treated in accordance with the provisions of the ASME Code under which it is constructed. Where postweld heat treatment is required, the tank must be treated as a unit after completion of all the welds in and/or to the shells and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment.

§ 178.337–2 Material.

(a) * * *

(1) All material used for construction of the tank and appurtenances must be suitable for use with the commodities to be transported therein and must comply with the requirements of the ASME Code and/or requirements of the American Society for Testing and Materials in all respects.

(2) Impact tests are required on steel used in fabrication of each tank constructed in accordance with Part UHT of the ASME Code. The tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat treatment processing lot having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full size specimens must be 20 foot-pounds in the longitudinal direction at −30° F., Charpy V-Notch and 15 foot-pounds in the transverse direction at −30° F., Charpy V-Notch. The required values for subsize specimens must be reduced in direct proportion to the cross-sectional area of the specimen beneath the notch. If a lot does not meet this requirement, individual plates may be accepted if they individually meet this requirement.

* * * * *

§ 178.337–4 Joints.

* * * * *

(b) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein, the following must be considered to be essential variables: Number of passes; thickness of plate; heat input per pass; and manufacturer's identification of rod and flux. When fabrication is done in accordance with Part UHT of the ASME Code, filler material of nickel-molybdenum-vanadium type must not be used. The number of passes, thickness of plate, and heat input per pass may not vary more than 25 percent from the procedure or welder qualifications. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

* * * * *

§ 178.337–6 Closure for manhole.

(a) Each tank constructed in accordance with Part UHT of the ASME Code and other tanks above 3,500 gallons water capacity must be provided with a manhole conforming to paragraph UG–46(g) (1) and other requirements of the ASME Code.

§ 178.337–16 Testing.

(a) *Inspection and tests.* Inspection of materials of construction of the tank and its appurtenances and original test and inspection of the finished tank and its appurtenances must be as required by the ASME Code and as further required by this specification except that for tanks constructed in accordance with Part UHT of the ASME Code the original test pressure must be at least twice the tank design pressure.

(b) * * *

(1) Each tank constructed in accordance with Part UHT of the ASME Code must be subjected, after postweld heat treatment and hydrostatic tests, to a wet fluorescent magnetic particle inspection to be made on all welds in or on the tank shell and heads both inside and out. The method of inspection must conform to Appendix VI of the ASME Code, paragraph UA–70 through UA–72 except that permanent magnets shall not be used.

(2) On tanks of over 3,500 gallons water capacity other than those described in subparagraph (1) of this paragraph unless fully radiographed, a test must be made of all welds in or on the shell and heads both inside and outside by either the wet fluorescent magnetic particle method conforming to Appendix VI of the ASME Code, liquid dye penetrant method, or ultrasonic testing in accordance with ASME Case Interpretation No. 1275–N. Permanent magnets must not be used to perform the magnetic particle inspection.

* * * * *

(D) Paragraph (a) in § 178.340–4 would be amended to read as follows:

§ 178.340 General design and construction requirements applicable to specifications MC 306 (§ 178.341), MC 307 (§ 178.342), and MC 312 (§ 178.343) cargo tanks.

§ 178.340–4 Structural integrity.

(a) *Maximum stress values.* The maximum calculated stress value must not exceed 20 percent of the minimum ultimate strength of the material as authorized in § 178.340–3, except when ASME Code pressure vessel design requirements apply.

* * * * *

These proposals are made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1647), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on April 17, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

JOHN R. JAMIESON,
Deputy Administrator, Federal Highway Administration.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69–4858, Filed, Apr. 22, 1969; 8:52 a.m.]

[49 CFR Parts 173, 178]

[Docket No. HM–23; Notice No. 69–11]

NEW SPECIFICATION 8BW CYLINDER FOR ACETYLENE

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amending § 173.303 of the Hazardous Materials Regulations (49 CFR 170–189) to authorize the shipment of acetylene in a proposed new specification 8BW cylinder. It is also proposed to add § 178.62 to set forth the requirements for the new specification cylinder which would be constructed in accordance with requirements for specification 4BW cylinders (§ 178.61) and filled with a porous filling as required for specification 8AL cylinders (§ 178.60–20).

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received

on or before May 29, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Adoption of this proposal will provide for the use of so-called three-piece cylinders which have longitudinal seams that are electric-arc welded. One cylinder presently authorized for acetylene, specification 8 (§ 178.59), permits a longitudinal seam only if forge lapwelded.

One manufacturer has reported that its experience in the manufacture and testing of specification 4BW cylinders has indicated no failures in those tested at 4 times service pressure, that normal pressure ruptures occurred at approximately 5 to 6 times service pressure, such failures never occurring in the electric-arc welded longitudinal seams.

This proposal appears to be justified since (1) electric-arc welded longitudinal seams are generally more reliable than those which are forge lap welded, (2) the required hydrostatic test pressure for each cylinder produced is two times the marked service pressure (minimum test pressure, 500 pounds per square inch), the same as for acetylene cylinders presently authorized, (3) the random hydrostatic test on one cylinder out of each lot of 500 cylinders or less is 4 times service pressure (minimum test pressure, 1000 pounds per square inch) as compared with a minimum test pressure of 750 pounds per square inch (minimum, 3 times service pressure) out of each lot of 200 cylinders or less for acetylene cylinders presently authorized and (4) the joint efficiency for the proposed specification cylinder is related to a radiographic inspection criteria.

In consideration of the foregoing, it is proposed to amend § 173.303 to authorize specification 8BW cylinders for acetylene. In addition, it is proposed to add § 178.62 in Part 178 to read as follows:

§ 178.62 Specification 8BW; welded steel cylinder with porous filling for acetylene.

§ 178.62–1 Compliance.

(a) Each cylinder must meet the requirements of this section and the pertinent requirements of § 173.24 of this chapter.

§ 178.62–2 Construction, inspection, and testing.

(a) Cylinders must be constructed, inspected, and tested in accordance with the requirements for specification 4BW cylinders as specified in § 178.61.

(b) Minimum service pressure may not be less than 250 pounds per square inch.

§ 178.62–3 Porous filling.

(a) Each cylinder must be filled with porous material and solvent within the limitations and in the manner specified in § 178.60–20.

§ 178.62–4 Marking.

(a) Marking must be as specified in § 178.61–20 except that 8 must be substituted for 4 to make the specification identification DOT–8BW. In addition, the tare weight of the cylinder with porous material, solvent, and valve, but without removable cap must be stamped near the other required markings in pounds and ounces.

§ 178.62–5 Inspector's reports.

(a) Inspector's reports must be prepared and certified as specified in §§ 178.60–24(b) and 178.61–21 with the specification identification entered as DOT–8BW. Such reports must be forwarded in accordance with § 178.61–4(d).

This proposal is made under the authority of sections 831–835 of title 18 United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on April 16, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

JOHN R. JAMIESON,
Deputy Administrator, Federal Highway Administration.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[F.R. Doc. 69–4859; Filed, Apr. 22, 1969; 8:52 a.m.]

[49 CFR Part 180]

[Docket No. HM–6A]

TRANSPORTATION OF HIGHLY VOLATILE LIQUIDS BY PIPELINE

Request for Public Advice; Advance Notice of Proposed Rule Making

Highly volatile liquids, such as liquefied petroleum gas and anhydrous ammonia, are transported by pipeline in ever-increasing quantities. From a review of the accident reports for 1968, we believe that we may need higher safety standards for the transportation of highly volatile liquids than for other liquid products.

This advance notice of proposed rule making invites the public to help us define the safety problems and devise solutions to those problems. We are now working on regulations to cover general pipeline operations, without special provisions for highly volatile liquids. We invite advice on (i) the extra hazards resulting from the high volatility of these liquids, as distinguished from less volatile liquids such as jet fuel and gasoline, and (ii) the safety standards required to cope with the extra hazards.

Facts. Our information is far from complete, since we have accident reports only from January 1, 1968. But the information we have is quite enough to cause this inquiry, as these examples show.

Liquefied petroleum gas (LPG) is the principal highly volatile liquid transported by pipeline. Although involved in only 9 percent of the accidents reported in 1968, LPG caused 82 percent of the deaths, 37 percent of the personal injuries, and 26 percent of the property damage.

Ruptures of LPG lines frequently release thousands of barrels of product. The largest LPG spill reported in 1968 was 6,126 barrels (257,292 gallons) from an 8-inch line. Had the pipe been larger, the amount of LPG released would have been larger. Under the same circumstances, a 10-inch line would have spilled 9,572 barrels (402,024 gallons) and a 12-inch line would have spilled 13,783 barrels (578,886 gallons).

On June 1, 1968, an 8-inch pipeline reputured in Coshocton County, Ohio, spilling 4,100 barrels (172,200 gallons) of LPG. Vapor from the spill flowed down a small valley, covering an area about 200 yards wide and more than a mile long. There were no residences in the area covered by the vapor, but there were five people. When the vapor was ignited probably by an automobile, the flash fire killed three of them and critically burned the other two.

Anhydrous ammonia has only recently entered into pipeline transportation, so we have limited experience with it. However, much of our experience with LPG is pertinent to anhydrous ammonia. The amount of anhydrous ammonia which would be spilled after a rupture should be substantially the same as LPG. Both vaporize when spilled. Although the flow characteristics of the vapors differ, the vapors of both may be hazardous quite a distance from the spill.

A recent railroad accident illustrates the harm which can result from the spill of anhydrous ammonia. On February 18, 1969, a railroad train accident in Crete, Nebr., ruptured a tank car and released 30,703 gallons of liquefied anhydrous ammonia, which vaporized upon release from pressure. The asphyxiating vapors killed six people, hospitalized 14, and injured 23 others. Although the weather was calm, the vapors spread over a large area. The persons killed were 250 to 400 feet from the ruptured tank car. The civil authorities evacuated 300 residents from an area about 1 mile square.

Pipelines cross rivers which supply municipal water systems. Anhydrous ammonia dissolves readily in water. One-half part per million is the highest concentration of ammonia which is acceptable for public water supplies, using common treatment processes. (Report of the Committee on Water Quality Criteria, Federal Water Pollution Control Administration, U.S. Department of the Interior (1968).) Allowing for the difference in weight, this is comparable to

1 gallon of anhydrous ammonia in 1,366,800 gallons of water; a spill of 257,292 gallons into a municipal water source would contaminate over 350 billion gallons of water.

Discussion. These highly volatile liquids are essential to the national economy. Our objective is to set safety standards which will minimize the hazard to the public, within the limits of technical feasibility and economic practicability.

Our safety standards should be designed to prevent failures, since a failure almost anywhere could result in loss of life. The danger is greater where the population density is higher, but the mobility of these vapors makes them a threat even in sparsely settled areas. These are some of the regulatory actions which might be appropriate to the prevention of pipe failures:

1. Prohibit the use of high yield strength pipe, because it is more susceptible to stress corrosion cracking. Further, pipe manufacture and pipeline construction tolerances are more critical with high yield strength pipe.

2. Require 100 percent nondestructive testing of all welds, including longitudinal welds. We have reports of longitudinal and girth weld failures which should be prevented by these tests.

3. Require independent inspection of the manufacture of the pipe and construction of the pipeline. We have reports of failure of pipelines which should not have occurred, if the pipe manufacturer and the pipeline builder had done their work properly. An independent inspector should improve quality control.

4. Require a lower operating pressure, in relation to test pressure, for highly volatile liquids than for other liquids. We should require a higher safety factor when the pipeline is carrying a product which is inherently more dangerous in the event of rupture.

5. Improve the means of marking or protecting the pipeline. About 20 percent of reported pipeline ruptures are caused by external force. All of these ruptures occurred with one person or more in the near vicinity.

6. Require periodic determination of the integrity of the pipeline and repair of deficient pipe. The determination could be by electronic, sonic, or other means of monitoring corrosion and changes in the metallurgy of the pipe.

7. Require early protection against corrosion and frequent testing of the efficacy of the protective system. Corrosion is the largest single cause of reported liquid pipeline failures.

Our safety standards should be designed to minimize loss of product, in event of rupture. These are some of the regulatory actions which might be appropriate to minimize loss of product.

1. Require that all main line valves be either automatic or remotely controlled from manned locations. The loss of 6,126 barrels (257,292 gallons) of highly volatile liquid in a single spill is not tolerable. The distance between valves is also a factor in limiting the spill.

2. Limit the size of pipe. As noted in the third paragraph of "Facts", the spill from a 10-inch line would be more than 50 percent greater than from an 8-inch line and the spill from a 12-inch line would be more than twice as much. Of course, the amount of spill could be controlled by having valves closer together on larger pipe.

3. Require frequent patrol inspection to find small leaks.

Our safety standards should be designed to provide a higher level of safety for critical areas than for open country. When an area builds up so that it is no longer open country, the pipeline operator should meet the higher standards. Critical areas include residential areas, places where people gather, river crossings, and municipal water sources. How should we define these areas? Should we require that pipelines be routed around critical areas, where practicable?

Scope of notice. This is not a proposal to change the regulations. It is an effort to get public participation early in the rule making process. It is an effort to develop facts upon which to base rational rule making. We invite the general public to advise us on all aspects of this subject.

We invite interested persons to give us their views by June 23, 1969. Advice (identifying the docket number) should be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590.

Issued in Washington, D.C., on April 18, 1969.

WILLIAM C. JENNINGS,
Director,
Office of Hazardous Materials.

[F.R. Doc. 69-4860; Filed, Apr. 22, 1969; 8:52 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Change of Enrollment

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to amend Part 890 of Title 5 of the Code of Federal Regulations by revising § 890.301(d)(2) to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) * * *

(2) During the period November 10 to November 28, 1969, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

* * * * *

This proposal would extend to annuitants the same privileges now granted to employees to change their health benefits enrollments during the 1969 open season. Interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

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

[F.R. Doc. 69-4814; Filed, Apr. 22, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 18509]

CHANNEL FACILITIES FURNISHED TO AFFILIATED COMMUNITY ANTENNA TELEVISION SYSTEMS

Applications for Certificates

In the matter of applications of telephone companies for section 214 certificates for channel facilities furnished to affiliated community antenna television systems, Docket No. 18509.

1. The Commission has received a joint request that the time for filing comments in the above-captioned matter be extended from May 2, 1969, to June 2, 1969. The request for extension of time was filed by The Conestoga Telephone and Telegraph Co., Birdsboro, Pa., and Enterprise Telephone Co., New Holland, Pa.

2. It is stated that the additional time is needed so that persons interested in both this proceeding and in the proceeding in Docket No. 18397, CATV, notice of proposed rulemaking and notice of inquiry, 15 F.C.C. 2d 417, may file meaningful comments in each proceeding.

3. In consideration of the relationship between these two proceedings and inasmuch as May 2, 1969, is the same day on which comments are due in Docket No. 18397, it appears that the joint request is reasonable and that the public interest would be served by a grant of the requested extension.

4. *Accordingly, it is ordered,* Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the time for filing comments and reply comments to the above-captioned proceedings is hereby extended, respectively, to June 2, 1969, and June 16, 1969.

Adopted: April 16, 1969.

Released: April 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] FRANK PALIK,
Chief, Domestic Services and Facilities Division, for Chief, Common Carrier Bureau.

[F.R. Doc. 69-4844; Filed, Apr. 22, 1969; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18523; FCC 69-392]

TELEVISION BROADCAST STATIONS

Table of Assignments, Watertown, N.Y.

In the matter of amendment of § 73.606 (b), Table of Assignments, Television Broadcast Stations (Watertown, N.Y.), Docket No. 18523, RM-1370.

1. In a petition for rule making filed November 13, 1968, St. Lawrence Valley Educational TV Council (Council) requests that the educational reservation at Watertown, N.Y. be moved from channel 50 to channel 16. Both channels are assigned in this city now, neither in use; the change in the reservation would thus not affect either existing or applied-for operations or over-all allocation efficiency. The Council describes itself as a "community based educational television organization which was organized to develop, operate and maintain educational television stations which provide an educational-cultural broadcast service to Jefferson, Lewis, and St. Lawrence counties in New York State". It is stated that the Council will shortly apply for educational stations on channel *50 at Watertown and Channel *18 at Massena, which between them will serve these counties; however, it would prefer Channel 16 at Watertown because, it is alleged, operation on the lower UHF channel would mean lower transmission line losses, better propagation with fewer obstruction losses (with many locations not within line-of-sight even of a high-tower installation), and more efficient receiver and receiving antenna operation. If the reservation is changed to channel 16, it will amend its application accordingly. The Council has since applied for channel *18 and *50.

2. VHF Station WWNY-TV is licensed to Carthage-Watertown, N.Y., and uses channel 7, assigned to Carthage. Aside from this and the UHF assignments at Watertown and Massena mentioned, there are no TV assignments in the area. On December 18, 1968, the New York State Education Department filed a statement supporting the proposed assignment, but also recommending that channel 16 be reserved only until July 1, 1969, by which time an application must be filed reflecting the intent to commence operation by March 31, 1970. If no such application is forthcoming the Commission would exercise its best judgment as to whether the change would remain in effect or the reservation would revert to channel 50. It is stated that the Department cannot support a change beyond that date which would prevent another organization from bringing needed service on channel 16 to Northern New York.

3. As we have stated on a number of occasions in recent years, the technical difference between even the highest and lowest UHF channels is quite small. However, for whatever actual and psychological advantages there may be in using the lower of the two Watertown assignments (which are 34 channels apart), we believe that the lower channel should be made available for a qualified applicant proposing to bring service to this area where it is not now plentiful. The Council could, of course, apply for channel 16 as an educational applicant. However, there may be advantages, in terms of orderly administration by this and other Federal agencies which might be involved, in having ETV stations operating on reserved channels. Therefore, comments on the proposed shift in the educational reservation at Watertown are invited. The Council has already applied for the educational assignment; any further steps which may be necessary to insure prompt activation of the Watertown assignment can be taken in connection with the decision herein and with consideration of the Council's application.

4. In view of the foregoing, pursuant to authority contained in sections 4(i), 303 (b), (c) and (r), and 392 of the Communications Act of 1934, as amended, it is proposed to amend § 73.606(b) of the Commission's rules and regulations, by moving the educational reservation at Watertown, N.Y. from channel 50 to channel 16 (both channels now assigned there).

5. Pursuant to the applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before May 26, 1969, and reply comments on or before June 9, 1969. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: April 16, 1969.

Released: April 18, 1969.

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

[F.R. Doc. 69-4845; Filed, Apr. 22, 1969; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18434; FCC 69-394]

ADVERTISEMENT OF CIGARETTES

Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Federal Communications Commission rules with regard to the advertisement of cigarettes, Docket No. 18434.

1. The Commission has before it the motion to extend the time for filing comments from May 6, 1969, to July 7, 1969, with the date for reply comments to be extended from July 7, 1969, to August 7, 1969, filed on March 28, 1969, by The American Tobacco Co., Brown & Williamson Tobacco Corp., Liggett & Myers Inc., Philip Morris Inc., Lorillard Corp., R. J. Reynolds Tobacco Co., and The Tobacco Institute, Inc. The grounds for the extension are twofold: (1) Petitioners are engaged in the process of formulating their position with respect to a number of Congressional bills which pertain to the subject of the Commission's proposed rule, and the position so formulated will be relevant to comments which they will file; and (2) the disposition of several pending cases before the Supreme Court (e.g., The Tobacco Institute, Inc., et al. v. Federal Communications Commission and the United States of America, No. 1036, S. Ct., Oct. Term 1968; Red Lion Broadcasting Co., Inc., et al. v. United States of America and United States of America v. Radio Television News Directors Association, et al., Nos. 2 and 71, S. Ct., Oct. Term 1968), will also have a bearing upon the comments to be filed. Petitioners point out that the requested postponement will have a net effect of deferring the receipt of final comments by only 30 days.

2. The grant of what is in effect a 30-day extension is appropriate. We note that this allows a 7-month period for the filing of the written comments, and believe that it is a sufficient time period. We therefore intend to adhere to the revised schedule, so that we may be in a position to take whatever action is appropriate, in light of the comments filed, any further procedures and, most important, the congressional position (see para. 16, FCC 69-95).

3. *Accordingly, it is ordered,* That the time for filing comments herein is extended to on or before July 7, 1969, and the time for filing reply comments is extended to on or before August 7, 1969.

Adopted: April 16, 1969.

Released: April 18, 1969.

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

[F.R. Doc. 69-4846; Filed, Apr. 22, 1969; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[No. MC-C-6168]

TRANSPORTATION OF INTERSTATE OR FOREIGN COMMERCE OF HAZARDOUS MATERIALS BY MOTOR VEHICLE OVER DIRECT ROUTES

Notice of Proposed Rule Making

APRIL 15, 1969.

In accordance with the Commission's order dated February 12, 1969, published in the February 28th issue of the FEDERAL REGISTER (34 F.R. 3633), any person intending to participate in this proceeding by submitting initial statements or reply statements thereto was requested to notify the Secretary of the Commission on or before March 28, 1969.

Initial statements are due on or before May 21, 1969. Reply statements thereto are due on or before June 18,

1969. An original and 15 copies of each statement should be submitted to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Set forth below is a list of all known parties of record upon whom copies of all statements must be filed in the above-entitled proceeding.

[SEAL] H. NEIL GARSON,
Secretary.

SERVICE LIST SHOWING PARTIES OF RECORD AS OF MARCH 28, 1969

Mr. Peter T. Beardsley, General Counsel, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
Mr. James W. Boyer, Managing Director, Contract Carrier Conference, 1616 P Street NW., Washington, D.C. 20036.
Bralley-Willett Tank Lines, Inc., 200 Stockton Street, Post Office Box 495, Richmond, Va. 23204.
Central Transport, Inc., Post Office Box 5044, High Point, N.C. 27262.
Mr. A. C. Clark, Transportation Engineer, Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
Mr. Harry E. Colwell, Traffic Manager, Texaco, Inc., 1111 Rusk, Houston, Tex. 77052.
Mr. Victor R. Comstock, Traffic Manager, Groendyke Transport, Inc., Post Office Box 632, Enid, Okla. 73701.
Mr. Peter S. Craig, Assistant General Counsel, Litigation, Office of the Secretary of Transportation, Washington, D.C. 20590.
Mr. J. Fred Dewhurst, Executive Vice President, Leonard Bros. Trucking Co., Inc., Post Office Box 602, 2595 Northwest 20th Street, Miami, Fla. 33152.
William and Fauth, Munsey Building, Washington, D.C. 20004.
Mr. Edwin E. Ferguson, Associate General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545.
Mr. Alan Foss, Van Osdel, Foss, Johnson and Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Attorney for: International Transport, Inc.
Mr. Maurice H. Greene, Post Office Box 4402, Boise, Idaho 83705. Attorney for: Garrett Freightlines, Inc.
Mr. Edward J. Hegarty, Berol, Loughran & Geernaert, 100 Bush Street, San Francisco, Calif. 94104.
Mr. Harold G. Hernly, Wrape & Hernly, Attorneys at Law, 711 14th Street NW., Washington, D.C. 20005.
Mr. J. P. Hogan, Assistant Counsel, Gulf General Atomic, Inc., Post Office Box 608, San Diego, Calif. 92112.
Mr. Leonard A. Jaskiewicz, Grove, Jaskiewicz and Gilliam, Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
Mr. H. L. Jones, Managing Director, Munitions Carrier Conference, Inc., 1616 P Street NW., Washington, D.C. 20036.
Mr. Ralph T. Jones, Administrative Executive, Compressed Gas Association, Inc., 500 Fifth Avenue, New York, N.Y. 10036.
Mr. William K. Kenworthy, Counsel, 1205 South Platte River Drive, Denver, Colo. 80223. Attorney for: Navajo Freight Lines, Inc., General Expressways, Inc.
Lemmon Transport Co., Inc., Box 580, Marion, Va. 24354.
Mr. E. P. Lodge, Chairman, Federal Regulations Subcommittee, Institute of Makers of Explosives, 420 Lexington Avenue, New York, N.Y. 10017.
Mr. B. Henry Lord, Jr., Director, Division of Transportation, American Petroleum Institute, 1101 17th Street NW., Washington, D.C. 20036.
Mr. Edward G. Lowry III, Bogle, Gates, Dobrin, Wakfield & Long, 14th Floor, Norton Building, Seattle, Wash. 98104. Attorney for: Black Ball Freight Service.
Mr. P. X. Masterson, Secretary, Commerce Law Committee—Eastern Railroads, 2 Pennsylvania Plaza, Suite 500, New York, N.Y. 10001. Attorney for: Eastern Railroads.
Mr. W. C. Mauldin, Commerce Manager, Carolina Freight Carriers Corp., Post Office Box 697, Cherryville, N.C. 28021.
Mr. Ivan E. Moody, Vice President, General Counsel, Riss Express Service, 15th West 10th Street, Post Office Box 2809, Kansas City, Mo. 64142.
Mr. Max G. Morgan, Morgan, Dykeman & Williamson, 450 American National Building, Oklahoma City, Okla. 73102.
P. B. Mutrie Motor Transportation, Inc., Calvary Street, Waltham, Mass. 02154.
Mr. Harry Pohland, Assistant Vice President, Associated Truck Lines, Inc., Vandenberg Center, Grand Rapids, Mich. 49502.
Mr. R. Y. Schureman, Russell & Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Attorney for: Western Gillette, Inc.
Mr. John MacDonald Smith, Pacific Motor Trucking Co., 65 Market Street, Room 813, San Francisco, Calif. 94105.
Mr. Paul F. Sullivan, 701 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.
Mr. Wm. P. Sullivan, Todd, Dillon & Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006.
Mr. C. Austin Sutherland, Managing Director, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.
Mr. Daniel J. Sweeney, Swidler & Belnap, 1 North La Salle Street, Chicago, Ill. 60602.
Mr. William D. Traub, 10 East 40th Street, New York, N.Y. 10016.
Mr. E. Larry Wells, General Attorney, Red Ball Motor Freight, Inc., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247.
Mr. Gene T. West, Vice President—Traffic, Consolidated Freightways Corp., 175 Linfield Drive, Menlo Park, Calif. 94025.
Mr. Ed White, The Association of Western Railways, Law Department, 280 Union Station Building, 517 West Adams Street, Chicago, Ill. 60606. Attorney for: Western Rail Carriers.

[F.R. Doc. 69-4827; Filed, Apr. 22, 1969; 8:50 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 16)]

SIOUX CITY, IOWA

Definition of Commercial Zone

APRIL 18, 1969.

Petitioner: Iowa Beef Packers, Inc., Dakota City, Iowa. Petitioner's representative: Eugene D. Anderson, Suite 1029, 30 North La Salle Street, Chicago, Ill. 60602.

By petition filed March 19, 1969, petitioner requests the Commission to institute a proceeding for the purpose of specifically defining the limits of the zone adjacent to and commercially a part of Sioux City, Iowa, which are now prescribed by the general formula promulgated in Commercial Zones and Terminal Areas, 46 M.C.C. 665 (49 CFR 1048.101). Such formula provides that a city, such as Sioux City, having a population of between 25,000 and 100,000, and which has not been accorded individual consideration, shall have a commercial zone which consists of, and includes, the following: (a) The municipality itself; (b) all municipalities within the United States which are contiguous to the base municipality; (c) all unincorporated areas within 4 miles of its corporate limits and all of any other municipality any part of which is within 4 miles of the corporate limits of the base municipality; and (d) all municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality.

The instant petition requests specific definition of the Sioux City commercial zone to include all of the area which is included by the application of the above formula, and in addition, that area commonly known as "The Port Neal Industrial District" and its immediate environs bounded by a line beginning at the intersection of Interstate Highway 29 and the present limits of the Sioux City commercial zone in Liberty Township, Iowa, and extending southeasterly along Interstate Highway 29 to its intersection with the Liberty-Lakeport Township, Iowa, line, thence westerly along the Liberty-Lakeport Township line to the Missouri River, thence north along the east bank of the Missouri River to its intersection with the present limits of the Sioux City commercial zone in Liberty Township.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed specific definition of the boundary of the Sioux City, Iowa, commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before May 23, 1969. Each such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4834; Filed, Apr. 22, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 309]

LAKEHEAD PIPE LINE CO., INC.

Notice of Issuance of Presidential Permit

The Department of State received, on August 30, 1968, an application dated August 20, 1968, from the Lakehead Pipe Line Co., Inc., a Delaware corporation having its main office at 3025 Tower Avenue, Superior, Wis., to construct, connect, operate, and maintain an export pipeline for crude oil and other hydrocarbons from St. Clair County, Mich., crossing the international boundary line between the United States and Canada in the St. Clair River, and to connect such facility with like facilities in the Province of Ontario, Canada.

Notice is hereby given that the permit requested by Lakehead was granted by the Under Secretary of State on March 24, 1969.

Dated: April 14, 1969.

For the Under Secretary of State.

MURRAY J. BELMAN,
Deputy Legal Adviser.

[F.R. Doc. 69-4799; Filed, Apr. 22, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 2]

ASSISTANT AREA DIRECTORS ET AL., PORTLAND AREA OFFICE, OREG.

Redelegations of Authority

APRIL 8, 1969.

On page 637 of the FEDERAL REGISTER of January 16, 1969, the Commissioner of the Bureau of Indian Affairs issued a redelegation of authority which substantially changed the authorities and source of authorities of Area Directors. The purpose of this release is to revise the Portland Area redelegation of authority to reflect changes in the Commissioner's redelegation as provided in 10 BIAM 3 and Secretarial Order No. 2508.

The following Portland Order 2 is essentially a restatement of redelegations previously authorized in Portland Order 1 and amendments thereto, with the exception of section 1.4 which describes authority of the Assistant Area Directors.

All previously issued documents related to Portland Order 1 continue to be authorized in Portland Order 2 and will not require revision.

Portland Area Office Redelegation reads as follows:

PORTLAND AREA REDELEGATIONS

PART 1—GENERAL

SECTION 1.1 This order supersedes Portland Order 1 and amendments thereto. All previously issued documents related to Portland Order 1 continue to be authorized in Portland Order 2 and will not require revision. Authority to issue this order is contained in 10 BIAM 3.1 and Secretarial Order 2508 (10 BIAM 2).

SEC. 1.2 *Appeals.* Any action taken by any superintendent or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such superintendent or other officer to the Area Director, Portland Area Office. An appeal must be filed in writing with such superintendent or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Portland Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to 10 BIAM 3.1 (34 F.R. 638) of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1(a) of Order 2508, as amended, of the Secretary of the Interior.

SEC. 1.3 *Limitations.* Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

SEC. 1.4 *Authority of Assistant Area Directors.* The Assistant Area Directors and those persons authorized to act in their behalf during their absence may exercise any and all authority conferred upon the Area Director. This authority shall be exercised by each within his functional area of responsibility as defined by the organizational structure current at the time. Major policy determinations are subject to review by the Area Director prior to implementation.

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, AND PROJECT ENGINEER

Subject to the provisions in Part 1, Superintendents, School Superintendent, and Project Engineer may exercise the authority of the Area Director as indicated in this part.

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.1 *Sales, fee patents, and other matters in 25 CFR Part 121.* The approval of applications by individuals for acquisition, sale, exchange, partition, patent in fee, certificate of competency, and removal of restrictions on Indian land. The approval by the respective officials of applications, by those tribes possessing statutory authority, for acquisition, sale, and exchange of trust or restricted Indian lands. The authority herein does not extend to the issuance of land sale advertisements without the prior approval of the Area Director (Amdt. 21, 33 F.R. 9623).

SEC. 2.2 *Tax exemption certificates.* The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the Acts of June 20, 1936 (49 Stat. 1542), as amended by the Act of May 19, 1937 (25 U.S.C., 1946 ed., sec. 412a).

SEC. 2.3 *Leases and permits (nonmineral).* All those matters set forth in 25 CFR Part 131, except:

(a) The approval of leases which provide for a duration in excess of 10 years, inclusive of any provisions for extensions or renewals thereof; and, the approval of any amendment of such lease changing the use purpose or reducing the rental. This exception does not apply to the leasing of tribal land for homesite purposes to members of the tribe or to tribal housing authorities.

(b) Modification of any forms approved by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Area Director.

SEC. 2.4 *Allotment applications.* Certification of eligibility for allotments on the public domain under authority of the Act of February 8, 1887 (25 U.S.C., 1946 ed., sec. 334), or the Acts of February 28, 1891, and June 25, 1910 (25 U.S.C., 1946 ed., sec. 336) and in the national forests pursuant to the Act of June 25, 1910 (25 U.S.C., 1946 ed., sec. 337).

SEC. 2.5 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes,

(2) Approval of instruments providing for the payment of overriding royalty,

(3) Assignments of separate horizons or strata of the subsurface.

(c) The approval of nonexclusive prospecting permits on tribal and allotted lands, issued on approved forms, including those with a preferential right to lease not more than 40 acres: *Provided*, The royalty rates have been approved by the Commissioner of Indian Affairs (Amdt. 4, 21 F.R. 4522).

SEC. 2.6 *Release of mortgages.* The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians, upon proof of payment of the loan.

SEC. 2.7 *Roads.* The closure of roads, as defined in 25 CFR 162.2(b), to public use when required for public safety, fire prevention or suppression, or fish or game protection, or to prevent damage to unstable roadbed (25 CFR 162.6).

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.8 *Loan agreements and modifications.* The approval of applications by individuals for loans, and modifications thereto, pursuant to 25 CFR 91.13 and subject to provisions set forth in 47 BIAM and/or tribal declarations of policy and plans of operation approved by the Commissioner or his authorized representative.

SEC. 2.9 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan from any lender.

SEC. 2.10 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness for a loan made pursuant to 25 CFR 91.

SEC. 2.11 *Release of U.S. interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 2.12 *Traders' licenses.* The issuance of licenses to traders with the Indian tribes and the removal and revocation of licenses pursuant to 25 CFR Part 251.

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.13 *Forest management.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 100,000 feet, board measure, except for the Superintendent of the Western Washington Agency, who may issue advertisements and approve timber sale contracts involving an estimated stumpage volume of not to exceed 250,000 feet, board measure, pursuant to 25 CFR 141.8, 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13 for the sale of timber from individual allotments; without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

(e) Accept payment of damages in full in settlement of civil trespass cases, pursuant to 25 CFR 141.22, when such settlement does not exceed $1,000. "Payment of damages in full" means payment of the maximum amount due under applicable law.

SEC. 2.14 *Waiver of technical defects in advertisements and proposals for grazing privileges.* Exercise of the right reserved in Form 5–510, Sale of Grazing Privileges, to waive technical defects in the advertisements and proposals received in response thereto (Amdt. 15, 29 F.R. 11607).

SEC. 2.15 *Approval, modification and cancellation of grazing permits.* The award, approval, modification, assignment and cancellation of grazing permits, pursuant to 25 CFR Part 151: *Provided,* That permits approved at the beginning of a contract period accord to a schedule of allocated and advertised range units approved by the Area Director: *And provided, further,* That permits shall not be issued at a rental rate less than the minimum approved by the Area Director (Amdt. 15, 29 F.R. 11607).

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.16 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES FUNCTIONS RELATING TO IRRIGATION MATTERS

SEC. 3.1 *Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business or grazing purposes.* The Superintendent of Fort Hall Agency may grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the Fort Hall Irrigation Project and to permit or lease such lands for agricultural, business or grazing purposes pursuant to 25 CFR Part 203 (Amdt. 12, 27 F.R. 538).

The effective date of this delegation will be the date of signature by the Area Director.

DALE M. BALDWIN,
Area Director.

Approved: April 16, 1969.

J. L. NORWOOD,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-4772; Filed, Apr. 22, 1969; 8:46 a.m.]

ASSISTANT AREA DIRECTOR, SACRAMENTO AREA OFFICE, CALIFORNIA

Redelegation of Authority

1. The Assistant Area Director, Bureau of Indian Affairs, Sacramento Area Office, Sacramento, Calif., is hereby authorized to exercise all the power and authority of the Area Director of the Sacramento Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3.

2. In the absence of the Area Director and the Assistant Area Director, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. The effective date of this delegation will be the date of signature by the Area Director.

Dated: April 8, 1969.

WILLIAM E. FINALE,
Area Director, Bureau of Indian Affairs, Sacramento Area Office, Sacramento, Calif.

Approved: April 16, 1969.

J. L. NORWOOD,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-4771; Filed, Apr. 22, 1969; 8:46 a.m.]

Bureau of Land Management

[Serials Nos. F-860, F-850]

ALASKA

Notice of Hearing on Proposed Classification of Lands

APRIL 15, 1969.

Notice is hereby given that a public hearing will be held at 7:30 p.m., Thursday, May 22, 1969, at the National Guard Armory in Nome, Alaska, to consider the proposed land classifications at Salmon Lake covering approximately 7,800 acres and the Nuk Site at Safety Sound covering approximately 158 acres. Both tracts are situated near the City of Nome. Notice of the Salmon Lake proposal was published in the FEDERAL REGISTER on April 24, 1968, volume 33, pages 6249–6250. Notice of the Safety Sound proposal was published in the FEDERAL REGISTER on April 12, 1968, volume 33, page 5689. The hearing officials will welcome the views of the interested parties in favor of or in opposition to the proposal. All interested persons who desire to be heard on the subject can either appear in person at the hearing or submit written statements. The record will remain open until June 30, 1969, for submission of written statements to the District Manager, Bureau of Land Management, 516 Second Avenue, Fairbanks, Alaska 99701.

ROBERT C. KRUMM,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 69-4825; Filed, Apr. 22, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Export Marketing Service

CERTAIN CONTRACTING OFFICERS OF COMMODITY CREDIT CORPORATION

Delegation of Authority

Pursuant to the authority vested in me by the Wheat Export Program (GR–345), I hereby designate William R. Randolph, W. K. Rosacker and Earl A. Seer, Contracting Officers, Commodity Credit Corporation, as authorized, when the facts so warrant, to:

(1) Accept reports of wheat exported prior to the exporter's submission of an offer acceptable to CCC as provided in §§ 1483.114(a) and 1483.154(a);

(2) Extend the time in which exporters are to file a notice of sale as provided in § 1483.136; and

(3) Approve an exporter's request to amend his contract to provide for export of a different class of wheat or export from a different coast or coastal area as provided in §§ 1483.112(b) and 1483.152 (b) except that any determination that a certificate cost applies shall be made by the assistant sales manager;

(4) Waive the provisions requiring that wheat exported prior to submission of an offer be exported on a vessel which also carries other wheat exported by the same exporter and the limitations as to the quantities as provided in §§ 1483.114 (c), 1483.136(b) and 1483.154(a);

(5) Accept Form(s) CCC–521, "Report of Wheat Exported," covering additional quantities of wheat exported for application against a contract with CCC where the exporter had previously fulfilled his obligations under such contract as provided in §§ 1483.115(b) and 1483.-155(b) provided the additional quantity is within the contract quantity and loading tolerance of such sections;

(6) Approve an exporter's request for an extension in time to export without any decrease in the export payment rate under the conditions provided in §§ 1483.116, 1483.139 and 1483.156;

(7) Accept certifications as provided in § 1483.138 where exportation was made to a country or buyer other than the country or buyer shown in Form CCC–359, "Declaration of Sale," except that any determination that a certificate cost applies shall be made by the assistant sales manager; and

(8) Approve an exporter's request for cancellation of a contract or portion of a contract where the exporter has shown that failure to export was due to causes without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure as provided in §§ 1483.116 (c)(2), 1483.139(d) and 1483.156(c).

Signed at Washington, D.C., on April 16, 1969.

C. E. MERRIMAN,
Acting Assistant Sales Manager, Commodity Exports, Export Marketing Service.

[F.R. Doc. 69–4851; Filed, Apr. 22, 1969; 8:52 a.m.]

DIRECTOR OR ACTING DIRECTOR, KANSAS CITY AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE COMMODITY OFFICE

Delegation of Authority

Pursuant to the authority vested in me by the Export Wheat Marketing Certificate Regulations, I hereby delegate to the Director or Acting Director, Kansas City ASCS Commodity Office, the responsibility to (a) approve an exporter's request for extension of the period of 45 days after date of exportation during which he shall acquire and surrender export wheat marketing certificates as provided in § 778.5(c)(1); (b) determine whether or not an exporter should be required to furnish a bond or letter of credit prior to export in order to secure the purchase of and payment for export wheat marketing certificates and, the form and amount of any such bond or letter of credit as provided in § 778.5(c)(3); and (c) approve an exporter's request for extension of the period during which he shall submit a report of the wheat exported to the Kansas City ASCS Commodity Office as provided in § 778.11. The authority herein delegated shall be exercised in conformity with the requirements of the Export Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, 79 Stat. 1202; 7 U.S.C. 1379a to 1379j)

Signed at Washington, D.C., on April 16, 1969.

C. E. MERRIMAN,
Acting Assistant Sales Manager, Commodity Exports, Export Marketing Service.

Concurred in:

C. H. MOSELEY,
Acting Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–4852; Filed, Apr. 22, 1969; 8:52 a.m.]

CERTAIN CONTRACTING OFFICERS OF COMMODITY CREDIT CORPORATION

Delegation of Authority

Pursuant to the authority vested in me by the Export Wheat Marketing Certificate Regulations, I hereby designate William R. Randolph, W. K. Rosacker and Earl A. Seer, Contracting Officers of Commodity Credit Corporation, as authorized, when facts so warrant, to extend the time in which exporters are to file a notice of sale as provided in §§ 778.7(d) and 778.9(d); to accept reports of additional quantities of wheat exported for application against an offer where the exporter has previously fulfilled his reporting obligations as provided in §§ 778.7(f) and 778.9(e) and where the additional quantity would be within the loading tolerance of such sections; to approve an exporter's request for an extension in time to export without any increase in the cost of certificates under the conditions provided in §§ 778.7(g), 778.8(h), and 778.9(g); to approve an exporter's request for cancellation of a report of intention to export, which had been accepted by the Assistant Sales Manager, or a portion of such a report where the exporter has shown that failure to export was due to causes without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure as provided in §§ 778.7(h), 778.8(i), and 778.9(h); to accept or reject offers or to waive any informality in connection with such offers and to accept or reject modifications or requests for withdrawals of offers as provided in § 778.7 (b)(4) and (c)(1); to register sales reported by exporters and issue notices of registration as provided in § 778.8(d), except that any determination that a different certificate cost shall apply to an offer under § 778.7 or a notice of sale under § 778.8 than the cost based upon the announced rate is not delegated; and to accept reports as provided in § 778.8 (g)(2) and (3) where wheat is exported to a country or buyer other than the country or buyer shown in the declaration of sale. The authority herein delegated shall be exercised in conformance with the requirements of the Export Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, 79 Stat. 1202, sec. 5, 62 Stat. 1070, sec. 102, 68 Stat. 454, 7 U.S.C. 1379a to 1379j; 15 U.S.C. 714c, 7 U.S.C. 1702)

Signed at Washington, D.C., on April 16, 1969.

C. E. MERRIMAN,
Acting Assistant Sales Manager, Commodity Exports, Export Marketing Service.

[F.R. Doc. 69–4853; Filed, Apr. 22, 1969; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF PITTSBURGH ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument

Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00493-33-77030. Applicant: University of Pittsburgh, Fifth Avenue and Bigelow Boulevard, Pittsburgh, Pa. 15213. Article: Nuclear magnetic resonance spectrometer, Model HFX-3. Manufacturer: Bruker-Physik AG., West Germany. Intended use of article: The article will be used for both teaching and research purposes in the fields of biomedical sciences, namely to correlate the functions of biological molecules to their structure. Initially, the article will be used for the following studies:

(1) To investigate the electronic structure and environment of the heme groups in both normal and abnormal human hemoglobins by means of ^{1}H resonance;

(2) To investigate the chemical nature of the phosphorus atoms in phosphoproteins and phosphorylated biomolecules (such as—casein, phosyitin, pepsin, phospholipids, etc.) by means of ^{31}P resonance;

(3) To study the binding of ^{25}Mg ions to proteins and nucleic acids by ^{25}Mg resonance;

(4) To study the mechanism of formation and structure of the hydrated metal complexes of biological interests in aqueous solutions by ^{17}O resonance;

(5) To study the ^{13}C chemical shifts in amino acids, peptides, proteins, nucleotides, and nucleic acids;

(6) To study the ^{14}N chemical shifts in amino-acids, peptides, proteins, nucleotides, and nucleic acids;

(7) To use ^{19}F resonance to study protein conformations and to study the enzyme binding sites.

Hydrogen (^{1}H)—Phosphorus (^{31}P)—Magnesium (^{25}Mg)—Oxygen (^{17}O) Carbon (^{13}C)—Nitrogen (^{14}N)—Fluorine (^{19}F). Application received by Commissioner of Customs: March 24, 1969.

Docket No. 69-00494-01-77040. Applicant: University of Pennsylvania, Philadelphia, Pa. 19104. Article: Mass Spectrometer, Model RMH-2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for advanced chemical research, including analysis of complex organic compounds and study of fragmentation mechanisms of organic ions. Specific experiments as examples of the uses of the article are as follows:

(a) Precise mass measurement on a variety of samples of organic molecules leading to unique atomic compositions of all ions in the mass spectrum;

(b) Resolution of isotope doublets arising from isotopically labeled compounds;

(c) Precise measurement of metastable ion intensities for as many metastables as can be detected in the mass spectra of molecules.

Application received by Commissioner of Customs: March 24, 1969.

Docket No. 69-00497-98-76500. Applicant: Ball State University, Muncie, Ind. 47306. Article: Spectrograph, Model "GH" 650/640. Manufacturer: Optische Werke, C. A. Steinheil Sohne G.m.b.H., West Germany. Intended use of article: The article will be used to study the following phenomena:

(a) Hyperfine structure studies of the three different types of forbidden atomic spectral lines.

(b) The study of interference between magnetic-dipole and electric-quadrupole radiation by using the Zeeman effect in mixed forbidden lines of even isotopes of Pb, Hg, Au, Te, and other selected metals.

(c) The study of interference between magnetic-dipole and electric-quadrupole radiation as seen in the hyperfine components of mixed forbidden lines of odd isotopes of elements such as Pb, Hg, Au, Sb, As, and Te.

Pb=Lead, Hg=Mercury, Au=Gold, Te=Tellurium, As=Arsenic, and Sb=Antimony. Application received by Commissioner of Customs: March 24, 1969.

Docket No. 69-00498-01-10550. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, N. Mex. 87544. Article: Thin layer chromatography equipment. Manufacturer: Chemetron, Italy. Intended use of article: The article will be used in preparing uniform and reproducible preparatory and analytical glass-backed thin layer chromatography plates from a variety of coating materials. These plates are to be used in high-resolution analyses of peptides derived from enzymic digests of chromosomal proteins and protein fractions. The peptides resolved and isolated by preparative thin-layer chromatography will be further investigated with the aid of specific reagents, by autoradiography of labeled peptide preparations and by cross-correlations between standard peptides, known peptides and different-fraction peptide components. Application received by Commissioner of Customs: March 25, 1969.

Docket No. 69-00499-79-60095. Applicant: University of Texas Medical School at San Antonio, 7703 Floyd Curl Drive, San Antonio, Tex. 78229. Article: Sensing units for measurement of germicidal ultraviolet light. Manufacturer: Laboratoire Pasteur de l'Institute du Radium, France. Intended use of article: The article will be used for experiments in the effect of ultraviolet light (2537 Angstroms) on various micro-organisms conducted in six multidiscipline laboratory rooms occupied by 100 first-year medical students. The sensing units will be used to calibrate the ultraviolet light sources and to measure the incident intensity of the light. The article will also be employed as secondary standards of reference for intensity of 2537 Angstom light in various research applications. Application received by Commissioner of Customs: March 26, 1969.

Docket No. 69-00500-16-66700. Applicant: Planetarium of the Vanderbilt Museum of the County of Suffolk, N.Y., 178 Little Neck Road, Centerport, N.Y. 11721. Article: Planetarium projector, Model JHS Custom. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs at the Planetarium of the Vanderbilt Museum, including astronomy and navigation instruction. Article will also be used in preparing photographic sky charts for press release purposes, to aid observers in fireball trajectory end point coordinate determination in connection with the NAFT (Network for the Analysis of Fireball Trajectories) program, and in conjunction with the telescope to be installed on same premises in anticipated cooperation with the program of AAVSO (American Association of Variable Star Observers). Application received by Commissioner of Customs: March 27, 1969.

Docket No. 69-00501-33-46040. Applicant: Albany Medical College, 47 New Scotland Avenue, Albany, N.Y. 12208. Article: Electron microscope, Model Elmiskop 1A and Accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be almost exclusively used for the basic research to investigate ultrastructural aspects of the pathogenesis of atherosclerosis. To a lesser extent it will be used for educational purposes for the training of junior members of staff in electron microscopy and to train electron microscopy technicians in the maintenance and care of an electron microscope. The research program is to investigate ultrastructural changes in large blood vessels both naturally occuring at arterial forks and of experimentally induced thickening of blood vessel walls. It is anticipated the microscope will be used for many investigations of this type of material several years to come. Application received by Commissioner of Customs: March 28, 1969.

Docket No. 69-00502-33-54500. Applicant: University of California, San Francisco Medical Center, Third and Parnassus Avenues, San Francisco, Calif. 94122. Article: Optical attachment for Zeiss Photocoagulator. Manufacturer: Dr. W. Lotmar, Switzerland. Intended use of article: The article will be used for both research and educational purposes. Research purposes will encompass the identity of the lesions and the location, the techniques involved, and the objectives to be pursued in the study of the diseases and pathology of the retina. For educational purposes, instructions will be provided throughout a 2-year period in the techniques of use of this instrument so the students can become familiar with contact lens, and its use for peripheral retinal coagulation approximately 10–15 hours teaching per resident at a level of year 3 post-doctoral. Application received by Commissioner of Customs: April 1, 1969.

Docket No. 69-00503-33-46500. Applicant: Monmouth Medical Center, Department of Pathology, Third and Pavilion Avenue, Long Branch, N.J. 07740. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB

Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the ultrastructure and cytochemistry of myocardiopathies and hepatic changes in association with malabsorption. It is hoped that the results of studying these ill-defined diseases will further clarify the morphologic concommitant of the physiologic dysfunction and thereby indicate more efficacious therapy. Specimen sections must be prepared for electron microscopy in long series of equal thickness throughout and must be cut between 50 Angstroms and 2.0 microns. It is important that the operator be able to quickly and easily change cutting thickness. Application received by Commissioner of Customs: April 1, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4751; Filed, Apr. 22, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2402) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.1059 *Chewing gum base* (21 CFR 121.1059) be amended to provide for the safe use of glycerol ester of tall oil rosin as a plasticizing material (softener) in chewing gum base.

Dated: April 16, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4780; Filed, Apr. 22, 1969; 8:47 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0820) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR 120.234) for residues of the insecticide *O,O*-diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate in or on the raw agricultural commodities pineapple and pineapple forage at 0.1 part per million.

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

Dated: April 16, 1969.

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

[F.R. Doc. 69-4781; Filed, Apr. 22, 1969; 8:47 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (41-541V) has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing amendment of the food additive regulations (21 CFR Part 121) to provide for the safe use in chicken feed of a combination drug containing clopidol, 3-nitro-4-hydroxyphenylarsonic acid, and bacitracin methylene disalicylate for the prevention of coccidiosis caused by specified organisms, for growth promotion and feed efficiency, and for improving pigmentation.

Dated: April 15, 1969.

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

[F.R. Doc. 69-4782; Filed, Apr. 22, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20884]

AIR PANAMA INTERNATIONAL S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 1, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., April 17, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-4826; Filed, Apr. 22, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant to the President (National Security Affairs).

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

[F.R. Doc. 69-4815; Filed, Apr. 22, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

INACTIVE TARIFFS

Notice of Intent To Cancel

The domestic offshore files of the Federal Maritime Commission contain several tariffs which have for a period of time been classified as inactive either due to the absence of any tariff changes for a period of 1 year or longer; or because the Commission's staff has been advised in writing that the tariff filers no longer offer a common carrier service. The following carriers (including their last known addresses) fall into the "inactive" category:

Alaska Towing & Salvage, Inc., Box 1572, Anchorage, Alaska 99501.
Allied Marine Corp., Post Office Box H, J. F. Kennedy International Airport, Jamaica, N.Y. 11430.
Aleutian Marine Transport Co., Inc., Unalaska, Alaska 99685.
Antillean Marine Shipping Corp., 3050-3060 Northwest North River Drive, Post Office Box 322, Biscayne Annex, Miami, Fla. 33152.
Bekins Household Shipping Co., 800 East D Street, Wilmington, Calif. 90744.
Bentley's Inc., Berkeley, Calif.
Metro Shipping Co., Inc., 8935 Emerson Avenue, Surfside, Fla. 33154.
Chilkat Ferry, Box 2073, Juneau, Alaska 99801.
CIA Nacional De Navegacao, Peninsular & Occidental Steamship Co., General Agents, 209 Southeast First Street, Miami, Fla. 33101.
Dovar S.A. International Shipping & Trading Co., 29 Broadway, New York, N.Y.
Express Forwarding & Storage Co., Inc., 17 State Street, New York, N.Y. 10004.
Martin Van Lines, Inc., Seattle, Wash.
Tidewater Barge Lines, Inc., 2069 Northeast Marine Drive, Portland, Oreg. 97211.
Young Brothers, Ltd., Post Office Box 3288, Honolulu, Hawaii 96801.

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)), requires the cancellation of inactive tariffs; and accordingly the Commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be canceled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Domestic Regulation at 1405 I Street NW., Washington, D.C. 20573, in writing within 30 days after the publication of this order in the FEDERAL REGISTER of any reasons why the Commission should not cancel inactive tariffs;

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this order will be canceled;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff canceled pursuant to this notice.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-4753; Filed, Apr. 22, 1969; 8:45 a.m.]

FARRELL LINES, INC., AND BLACK STAR LINE, LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9791, between Farrell Lines, Inc., and Black Star Line, Ltd., covers a through billing arrangement for the movement of cargo between the Liberian ports of Harbel, Buchanan, Sinoe, and Cape Palmas and U.S. Atlantic and Gulf ports, with transshipment at Monrovia, Liberia, in accordance with the terms and conditions set forth therein, and will supersede and cancel Agreement No. 9460.

Dated: April 17, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-4754; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. 69-17]

SOUTH ATLANTIC & CARIBBEAN LINE, INC.

Order of Investigation Regarding Unloading and Reloading of Contents of Certain Trailers at Miami

There has been filed on authorized short notice with the Federal Maritime Commission by South Atlantic & Caribbean Line, Inc., an amendment to its Freight Tariff FMC-F No. 10 (Rule 117, as amended), which is scheduled to become effective April 18, 1969.[1] Rule No. 117 (paragraph C, as amended), the filing of which was authorized by Special Permission No. 4997, without prejudice to the right of the Commission to suspend and/or investigate, reads as follows:

Trailers containing traffic described in part (B) of this rule will be booked and accepted by carrier for transportation without unloading and reloading of the contents of the trailer at carrier's terminals in any case where (a) the International Longshoremen's Association so agrees and (b) the consolidator shipper or the distributor consignee of any such trailer executes and delivers to carrier at the time of the booking or at the time of delivery an indemnity in the following form:

In consideration of South Atlantic & Caribbean Line, Inc. (SACAL), accepting for loading aboard their MV _____ scheduled to sail on _____, trailer number _____ containing consolidated or less than truck load shipments, without unloading and reloading the said trailer at SACAL's terminal as required by the Deepsea Longshore Agreement of 19th February 1969, the undersigned hereby agree to indemnify SACAL for the payment by SACAL (or their contractors) of the liquidation damages in the amount of $250 per trailer provided in the said agreement, when and as liquidated damages are in fact paid.

Upon consideration of the said tariff revisions, and telegraphic protests thereto which were accepted by the Commission in this instance due to the short notice filing, there is reason to believe that the proposed rule should be made the subject of a public investigation and expedited hearing to determine specifically whether the above quoted language would be unjust, unreasonable or otherwise unlawful under sections 16 First, 17 and 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916; and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the said rule with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation.

It is further ordered, That South Atlantic & Caribbean Line, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for an expedited public hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein; (II) the said respondent be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedures (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-4755; Filed, Apr. 22, 1969; 8:45 a.m.]

[1] Advanced to Apr. 16, 1969, by S.P. No. 5003.

FEDERAL POWER COMMISSION

[Projects Nos. 375, 451]

COLORADO

Order Vacating Power Withdrawals

APRIL 16, 1969.

Application has been filed by the U.S. Forest Service for vacation in their entirety of the power withdrawals under section 24 of the Federal Power Act pertaining to the following described lands of the United States:

(a) Withdrawn pursuant to the filing on September 29, 1922, of an application for license for Project No. 375, for which the Commission gave notices of such withdrawal to the General Land Office (now Bureau of Land Management) by letters dated January 24, 1923:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

All portions of the following tracts lying within the project boundary location, except that part including the right-of-way of the saw mill transmission line outside of the boundary of the pipeline right-of-way (50 feet from the center thereof) and that part including the right-of-way of the transmission line following up Goose Creek to the concrete weir, as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6'' Supply Pipe Line—Weir—Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having

been filed in the office of the Federal Power Commission on January 19, 1923

T. 40 N., R. 1 E.,
Sec. 28, NE¼SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼NE¼, N½NW¼, SW¼NW¼.

(Approximately 59 acres.)

All portions of the following tracts lying within 50 feet of the centerline of the transmission line locations from boundary of pipeline right-of-way to the saw mill and from powerhouse following up Goose Creek to the concrete weir as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6" Supply Pipe Line—Weir Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having been filed in the office of the Federal Power Commission on January 19, 1923.

T. 40 N., R. 1 E.,
Sec. 32, SE¼SE¼;
Sec. 33, SW¼SW¼NE¼, W½SE¼SW¼NE¼, NW¼, N½SW¼, SW¼SW¼.
(Approximately 12 acres.)

(b) Withdrawn pursuant to the filing on November 21, 1923, of an application for license for Project No. 451, for which the Commission gave notice of such withdrawal to the General Land Office by letter dated December 22, 1923:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 1 E.,
Sec. 27, NE¼SW¼, NW¼SE¼;
Sec. 28, SE¼SE¼SE¼;
Sec. 34, NW¼NW¼.
(Approximately 130 acres.)

The application was filed to facilitate a proposed land exchange. The lands lie within the Rio Grande National Forest and are located near the confluence of Roaring Fork and Goose Creeks in the upper drainage area of the Rio Grande River, about 6 miles south of the Wagon Wheel Gap in Mineral County, Colo.

The last license for Project No. 375 expired on May 13, 1958. The project (consisting of, among other project works, a powerhouse with a capacity of 50 horsepower and a short transmission line) is used for summer recreational purposes. The lands are now used under a Forest Service special use permit.

Surrender of the license for Project No. 451, which was never completed, was accepted by Commission order effective November 1, 1930. Application for surrender followed the licensee's conclusion that the development of power in connection with the project would not be economically feasible.

In the circumstances, we are vacating the land withdrawals pertaining to Projects Nos. 375 and 451 as applied for.

The Commission orders: The withdrawals of the subject lands pursuant to the applications for Projects Nos. 375 and 451 are hereby vacated in their entirety.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4756; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. E-7253]

CITIZENS UTILITIES CO.

Notice of Supplemental Application

APRIL 17, 1969.

Take notice that on April 9, 1969, Citizens Utilities Co. (Applicant), filed a supplemental application seeking authority pursuant to section 204 of the Federal Power Act to issue up to an aggregate at any one time of $19 million of unsecured promissory notes with a final maturity not later than December 5, 1969.

Applicant is engaged primarily in the business of generating, purchasing, transmitting, distributing, and selling at wholesale and retail of electric energy in the States of Arizona, Idaho, and Vermont, with its principal business office at Stamford, Conn. Applicant is also engaged in the purchase, distribution and sale of natural gas in the States of Arizona and Colorado.

The Commission by supplemental order issued February 12, 1969, authorized Applicant to issue short-term promissory notes in the aggregate principal amount outstanding at any one time of $12 million with the final maturity of not later than December 5, 1969. Applicant now requests the aggregate amount of $12 million in short-term promissory notes be increased to $19 million but that the final maturity of all notes remain as December 5, 1969.

The notes are to be issued to renew outstanding notes and to furnish funds for Applicants' 1969 construction program which has an estimated cost of $16,550,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4775; Filed, Apr. 22, 1969; 8:46 a.m.]

[Project No. 2392]

GILMAN PAPER CO. AND GEORGIA-PACIFIC CORP.

Notice of Application for Transfer of License for Constructed Project

APRIL 17, 1969.

Public notice is hereby given that application for transfer of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Gilman Paper Co. (Transferor) and Georgia-Pacific Corp. (Transferee) (correspondence to: George H. Brustad, Attorney, Georgia-Pacific Corp., Post Office Box 311, Portland, Oreg. 97207) for constructed project No. 2392, known as the Gilman Project, located on the Connecticut River in towns of Lunenburg and Guildhall in Essex County, Vt., in the vicinity of the village of Gilman, and in towns of Dalton and Lancaster in Coos County, N.H.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4776; Filed, Apr. 22, 1969; 8:46 a.m.]

[Docket No. CP69-265]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

APRIL 17, 1969.

Take notice that on April 14, 1969, The Manufacturers Light and Heat Co. (Applicant) filed in Docket No. CP69-265 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new point of delivery to an existing wholesale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to establish an additional point of delivery to Columbia Gas of Maryland, Inc. (Columbia of Maryland) at the boundary line between Pennsylvania and Maryland, immediately north of Hancock, Md. Applicant alleges this new delivery point will supply a new market area of Columbia of Maryland in and around the Town of Hancock, Md.

Applicant states the new delivery point will be from its high-pressure 20-inch line No. 1804. Applicant estimates its total cost will be $7,600, which it proposes to finance with cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure

(18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4777; Filed, Apr. 22, 1969; 8:46 a.m.]

[Docket No. CP69-261]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

APRIL 16, 1969.

Take notice that on April 10, 1969, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP69-261, an application under section 7 of the Natural Gas Act for permission and approval of the Commission to replace certain natural gas facilities with new facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to replace a .59 mile section of 3- and 2-inch pipe on the lateral line from Applicant's main line to St. Joseph Lead Co.'s Herculaneum plant, Jefferson County, Mo., with 4-inch pipe. Applicant estimates the cost of the proposal at $19,000, which it proposes to finance from funds on hand.

Applicant states that replacement of this section of line will improve safety, hourly delivery performance, and minimize repair and maintenance problems.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4757; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. RI69-691]

MOBIL OIL CORP.

Order Providing for Hearing

APRIL 16, 1969.

Order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund.

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

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 4, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-601..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attention: R. D. Haworth, Esq.	[2] 447	1	Montana-Dakota Utilities Co. (Big Horn Area, Big Horn County, Wyo.).	$409	3-17-69	[3] 4-17-69	[4] 4-18-69	[7] 13.6154	[5][6] 14.6154	

[2] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1, and the proposed rate does not exceed the initial service ceiling rate of 15.4 cents per Mcf for Wyoming.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] Initial rate.

The contract related to the rate filing by Mobile Oil Corp. (Mobile) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 14.6154 cents per Mcf exceeds the area increased rate ceiling of 13 cents per Mcf for Wyoming, but does not exceed the service ceiling of 15.4 cents per Mcf established for the area involved. We believe, in this situation, Mobile's proposed rate filing should be suspended for one day from April 17, 1969, the proposed effective date.

[F.R. Doc. 69-4758; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. CP69-260]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 16, 1969.

Take notice that on April 10, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-260 an application under section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to add approximately 1.2 miles of 10-inch pipeline, with a tap connection and miscellaneous appurtenant facilities, to run beside the line presently leading to its Genoa City (Illinois) No. 1 delivery point to Wisconsin Southern Gas Co., Inc. Applicant states that this additional capacity is needed to meet increased requirements of Wisconsin Southern Gas Co., Inc., and to insure continuity of service if Applicant's Genoa City No. 2 delivery point were to fail.

Applicant estimates the cost of the proposed facilities at $63,000, which it proposes to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4759; Filed, Apr. 22, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Wisconsin Bankshares Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Wisconsin State Bank, Green Bay, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 16th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4762; Filed, Apr. 22, 1969; 8:45 a.m.]

MID AMERICA BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Mid America Bancorporation, Inc., St. Paul, Minn., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Valley National Bank of Eagan Township, St. Paul, Minn. Applicant presently owns 1,380 of the voting shares of Highland Park State Bank, St. Paul, Minn.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Dated at Washington, D.C., this 16th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4763; Filed, Apr. 22, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 255]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignment

APRIL 8, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Expected date of commencement of operation
							Number of radials	Length (feet)	
		650 kilocycles							
CKOV (now in operation)	Kelowna, British Columbia, N. 49°50'51", W. 119°29'00".	5D/1N	ND-181	U	III	194	120	390-625	
		800 kilocycles							
CJBQ (change in power and radiation pattern and site—PO: 1 kw, DA-1).	Belleville, Ontario, N. 43°57'46", W. 77°25'00".	10	DA-2	U	II				E.I.O. 4-8-70.
		1070 kilocycles							
CFAX (now in operation)	Victoria, British Columbia, N. 48°23'50", W. 123°18'20".	10	DA-1	U	II				
		1540 kilocycles							
CKFL (now in operation)	Lac Megantic, Province of Quebec, N. 45°33'38", W. 70°53'30".	1D/0.25N	DA-D, ND-N-190	U	IV				
		1540 kilocycles							
CFYK (now in operation)	Yellowknife, Northwest Territory.	1	ND-175	U	IV	140	120	294	
		1590 kilocycles							
CHOO (now in operation)	Ajax, Ontario, N. 43°50'09", W. 78°58'30".	10	DA-1	U	III				
		1410 kilocycles							
CFUN (now in operation)	Vancouver, British Columbia, N. 49°07'41", W. 123°01'41".	50	DA-2	U	III				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-4847; Filed, Apr. 22, 1969; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-2168]

JACKPOT EXPLORATION CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 17, 1969.

I. Jackpot Exploration Corp. (issuer), East 802 Pacific, Spokane, Wash., incorporated in the State of Idaho on July 3, 1968, filed with the Commission on February 19, 1969, a notification on Form 1-A relating to a proposed offering of 300,000 shares of common stock at $1 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has failed to disclose the jurisdictions in which the offering is to be made, as required by Item 8 of Form 1-A.

2. The issuer has failed to disclose in the notification the issuance of securities within 1 year of the date of filing the notification, as required by Item 9 of Form 1-A.

3. The issuer has failed to furnish adequate and accurate information concerning the history of the subject properties, as required by Item 8A(e) of Schedule I.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, in that the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. Extent and results of prior exploratory work and operations on the properties by issuer's predecessor.

2. Extent and results of exploratory work by the issuer.

3. The economic feasibility of production of gold, if discovered.

4. Proposed uses of proceeds of the offering.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Jackpot Exploration Corp., pursuant to said notification, be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission, within 30 days after the entry of this order, a written request for hearing; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing, at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

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

[F.R. Doc. 69-4795; Filed, Apr. 22, 1969; 8:48 a.m.]

[70-4738]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds

APRIL 17, 1969.

Notice is hereby given that Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960 ("Jersey Central"), an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $33 million principal amount of First Mortgage Bonds, ------ percent Series due 1999. The interest rate (which will be a multiple or one-eighth of 1 percent and the price, exclusive of accrued interest (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of March 1, 1946, between Jersey Central and First National City Bank, successor trustee, as heretofore supplemented and as to be further supplemented by a 16th Supplemental Indenture to be dated as of June 1, 1969.

The proceeds from the sale of the bonds will be used to pay a portion of Jersey Central's short-term bank loans outstanding at the date of sale of the bonds. Such loans amounted to $12,400,000 at December 3, 1968, and are expected to aggregate approximately $36 million at the date of sale of the bonds. The proceeds from such loans have been or will be used to finance Jersey Central's 1969 construction program, estimated at approximately $80 million.

It is stated that the fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $87,000, including counsel fees of $24,000 and accountants' fees of $5,400, and that the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 7, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-4796; Filed, Apr. 22, 1969; 8:48 a.m.]

[24NY-6463]

MARIE PIGALLE, INC.

Order Permanently Suspending Exemption

APRIL 17, 1969.

I. Marie Pigalle, Inc., 350 Fifth Avenue, New York, N.Y., incorporated in the State of New York on March 16, 1967, filed a notification and offering circular on January 5, 1968, covering a proposed offering of 120,000 shares of its 1 cent par value common stock at $1.25 per share for an aggregate offering of $150,000 under an exemption from the registration requirements of the Securities Act of 1933 provided by section 3(b) and Regulation A promulgated thereunder. The company's securities were to be offered and sold by its officers and directors without the use of an underwriter. According to its offering circular it was to engage in the manufacture, development and distribution of a diversified line of cosmetics, fragrances and related products. The notification and offering circular were accelerated so that the offering commenced on May 1, 1968. The company stated that the distribution of its securities was successfully completed on June 28, 1968.

II. The Commission, on November 21, 1968, temporarily suspended the Regulation A exemption of Marie Pigalle, Inc. On December 7, 1968, Marie Pigalle, Inc., filed pursuant to Rule 7 of the Commission's rules of practice, an answer to the charges set forth in the temporary suspension order and requested a hearing with respect to those charges. Marie Pigalle, Inc., has, pursuant to Rule 8 of the Commission's rules of practice, submitted an offer of settlement.

III. Under the terms of the offer, respondent waived a hearing and post-hearing procedures, and without admitting or denying the allegations in the order temporarily suspending the exemption (except that it admits the allegation of paragraph II.B.) consented to the entry of an order permanently suspending the Regulation A exemption. This consent is on the understanding that Leopold Lapidus, who was elected chairman of the board and president of the respondent subsequent to the completion of the offering pursuant to the Regulation A exemption, is without any culpability with respect to any of the allegations contained in the order temporarily suspending the exemption. Therefore any and all disabilities flowing from the permanent suspension of the exemption shall not apply to him.

After due consideration of the offer of

settlement and upon the recommendation of its staff, the Commission determined to accept such offer.

IV. On the basis of the order temporarily suspending the exemption, it is found that the issuer did not comply with the terms and conditions of Regulation A and under all the circumstances it is in the public interest to accept the offer of settlement.

Accordingly, it is ordered, That the Regulation A exemption with respect to the securities of Marie Pigalle, Inc., offered and sold to the public beginning May 1, 1968, be, and it hereby is, permanently suspended. The provisions of Rule 252 of Regulation A shall not apply to Leopold Lapidus, respondent's chairman of the board and president.

By the Commission.

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

[F.R. Doc. 69-4797; Filed, Apr. 22, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 703]

NORTH DAKOTA AND CERTAIN OTHER STATES

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1969, because of the effects of floods, damage resulted to residences and business property located in the States of North Dakota, South Dakota, Minnesota, Iowa, and Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in all areas affected or to be effected in the aforesaid States, suffered damage or destruction resulting from floods beginning on or about April 1, 1969, and continuing thereafter.

OFFICES

Small Business Administration Regional Office, 207 North Fifth Street, Fargo, N. Dak. 58102.

Small Business Administration Regional Office, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102.

Small Business Administration Regional Office, 816 Second Avenue South, Minneapolis, Minn. 55402.

Small Business Administration Regional Office, 210 Walnut Street, Des Moines, Iowa 50309.

Small Business Administration Regional Office, 25 West Main Street, Madison, Wis. 53702.

2. Temporary offices will be established at such other areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1969.

Dated: April 15, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69-4798; Filed, Apr. 22, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 32, Amdt. 2]

ERIE-LACKAWANNA RAILWAY CO. ET AL.

Car Distribution

Erie-Lackawanna Railway Co., Chicago, Burlington & Quincy Railroad Co., Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 32, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 32 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 11, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 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 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4828; Filed, Apr. 22, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 34, Amdt. 2]

PENN CENTRAL CO. ET AL.

Car Distribution

Penn Central Co., Chicago, Burlington & Quincy Railroad Co., Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 34, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 34 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 11, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 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 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4829; Filed, Apr. 22, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 36, Amdt. 2]

PENN CENTRAL CO. ET AL.

Car Distribution

Penn Central Co., Chicago, Burlington & Quincy Railroad Co., Northern Pacific Railway Co.

Upon further consideration of Car Distribution Direction No. 36, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 36 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 11, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 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 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4830; Filed, Apr. 22, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 37, Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., Chicago, Burlington & Quincy Railroad Co., Northern Pacific Railway Co.

Upon further consideration of Car Distribution Direction No. 37, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 37 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 11, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 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 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4831; Filed, Apr. 22, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 46]

SOUTHERN RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

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) Southern Railway 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.

(b) The carrier 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.

(c) The carrier 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 21, 1969.

(4) *Expiration date* This direction shall expire at 11:59 p.m., May 11, 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 in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C, April 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4832; Filed, Apr. 22, 1969; 8:50 a.m.]

[Investigation and Suspension Docket No. M-23033]

CENTRAL AND SOUTHERN TERRITORY

Small Shipment Rate Revision

APRIL 18, 1969.

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

It appearing, that by order of the Commission, Division 2, acting as an Appellate Division, dated April 3, 1969, in the above-entitled proceeding, an investigation was instituted into and concerning the lawfulness of the rates, charges, and regulations contained in the schedules described in said order, and suspended the operation of said schedules;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding; and good cause appearing therefor:

It is ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered, That the Commission will take official notice of all the respondent carriers' financial statements on file with the Commission.

It is further ordered, That the traffic studies to be submitted shall represent the most current period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal. If the two carrier groups described below under the development of costs are used, the traffic study shall be similarly separated. The revenues and costs for both groups shall also be totaled and operating ratios developed.

It is further ordered, That respondents shall produce evidence showing the total revenue earned for the services performed under the bureau's tariffs here under investigation for the most recent annual reporting period.

It is further ordered, That the cost study shall be based upon the most current annual reporting period adjusted to date. The costs may be developed for those carriers subject to the requirements for allocation of expenses between line haul and pickup and delivery in 49 CFR Part 182, Instructions 27 and 9002, whose total amount of revenue derived under the bureau's tariffs collectively is 75 percent or more of the total revenue derived by all carriers participating in those tariffs. If those instruction 27 carriers' revenue is less than 75 percent of the total, then all of the instruction 27 carriers should be used. These study carriers shall be selected from the participating carriers in descending order beginning with the carrier deriving the greatest dollar amount of revenue from those tariffs. Unit costs are to be developed separately for (1) those carriers who earn 50 percent or more of their revenues under the tariffs involved and (2) those carriers who earn less than 50 percent. If factors similar to those published in appendix A to Highway Form B for the above two groups of carriers are not available, the published factors for the applicable territory based on the latest study are acceptable in the development of the unit costs.

It is further ordered, That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered, That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that

may be presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirements; and experienced, projected, and needed rate of return on depreciated investment in transportation.

It is further ordered, That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships, and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate amount to $2,500 or more during the year 1968 the following information:

1. Name of each affiliate from which respondent, during the year 1968, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1968 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1968.

6. A copy of the income statement for each affiliate for the year 1968 and the latest period of 1969 for which an income statement is available.

7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1968 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent; or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the 1968 annual reporting period.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before July 15, 1969, and at the same time, respondents shall file an executed original and 16 copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered, That all underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That anyone desiring to became a party of record to receive copies of the verified material of respondents to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before July 1, 1969. As soon as practicable after such date, a service list of all parties of record will be prepared and served by the Commission. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That this proceeding be, and it is hereby, referred to a hearing examiner to be later designated for hearing commencing on August 18, 1969, at 9:30 a.m., District of Columbia d.s.t., at the offices of the Interstate Commerce Commission, Washington, D.C.

It is further ordered, That this proceeding will not be the subject of an examiner's recommended report and order because due and timely execution of our functions requires an expedited decision and in addition, if the increases involved herein are not approved in their entirety, the shippers will be paying higher rates without any recourse to this Commission for relief.

It is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(2) Have appeared at a hearing.

Dated at Washington, D.C., this 10th day of April 1969.

By the Commission, Commissioner Bush.

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

[F.R. Doc. 69-4833; Filed, Apr. 22, 1969; 8:50 a.m.]

[Notice 547]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 18, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Deviation No. 48), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209, filed April 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, Pa., over Interstate Highway 79 to junction Pennsylvania Highway 50, thence over Pennsylvania Highway 50 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 19 in Pittsburgh, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cumberland, Md., over U.S. Highway 40 to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., and return over the same route.

No. MC 31533 (Deviation No. 1), SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, Post Office Box 545, South Bend, Ind. 46624, filed April 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 20 and Interstate Highway 90 (near Rockford, Ill.), and Chicago, Ill., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Chicago, Ill. and Freeport, Ill., over U.S. Highway 20.

No. MC 31533 (Deviation No. 2), SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, Post Office Box 545, South Bend, Ind. 48624, filed April 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From South Bend, Ind., over U.S. Highway 31 (an access road) to junction Interstate Highway 80–90, thence over Interstate Highway 80–90 to junction Interstate Highway 94, thence over Interstate Highway 80–94 to Chicago, Ill. (also from junction Interstate Highway 80–90 and 94, over Interstate Highway 90 to Chicago, Ill.), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., and return over the same route.

No. MC 43421 (Deviation No. 27), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed April 10, 1969. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Cincinnati, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Cincinnati, Ohio, over U.S. Highway 50 to Seymour, Ind., and (2) from Indianapolis, Ind., over U.S. Highway 31 via Franklin, Ind., to junction Alternate U.S. Highway 31 north of Columbus, Ind., thence over Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31–E to Louisville, Ky. (also from Sellersburg over U.S. Highway 31–W to Louisville), and return over the same routes.

No. MC 48958 (Deviation No. 18), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, Tex. 79105, filed April 8, 1969. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kanab, Utah, over U.S. Highway 89 to junction Alternate U.S. Highway 89 (approximately 23 miles south of Page, Ariz.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kanab, Utah, over Alternate U.S. Highway 89 to junction U.S. Highway 89, and return over the same route.

No. MC 109538 (Deviation No. 7), CHIPPEWA MOTOR FREIGHT, INC., Post Office Box 269, Eau Claire, Wis. 54701, filed April 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Madison, Wis., over Interstate Highway 94 via Milwaukee, Wis., to Chicago, Ill., and (2) from Madison, Wis., over Interstate Highway 94 to junction Interstate 894 at Milwaukee, Wis., thence over Interstate Highway 894 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Minneapolis, Minn., and Chicago, Ill., over U.S. Highway 12.

No. MC 111383 (Deviation No. 12), BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 3989, Dallas, Tex. 75208, filed April 8, 1969. Carrier's representative: Lawrence A. Winkle, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Miss., over U.S. Highway 49 to junction Interstate Highway 59, thence over Interstate Highway 59 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Jackson, Miss., over U.S. Highway 51 to junction U.S. Highway 61, thence over U.S. Highway to New Orleans, La., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 518), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 75 to junction Michigan Highway 61 (approximately 3 miles west of Standish, Mich.), thence over Michigan Highway 61 to Standish, Mich., with the following access routes: (1) From Royal Oak, Mich., over 11 Mile Road to junction Interstate Highway 75, (2) from Pontiac, Mich., over Michigan Highway 59 to junction Interstate Highway 75, (3) from Pontiac, Mich., over U.S. Highway 10 to junction Interstate Highway 75, (4) from Grand Blanc, Mich., over Michigan Highway 54 to junction Interstate Highway 75, (5) from Flint, Mich., over Michigan Highway 78 to junction Interstate Highway 75, (6) from Flint, Mich., over Pierson Road to junction Interstate Highway 75, (7) from Saginaw, Mich., over Michigan Highway 46 to junction Interstate Highway 75, (8) from Bay City, Mich., over Michigan Highway 13 to junction Interstate Highway 75, (9) from Bay City, Mich., over Michigan Highway 25 to junction Interstate Highway 75, and (10) from junction access highway and U.S. Highway 23, 3 miles south of Standish, Mich., over access highway to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows:

(1) From Cheboygan, Mich., over U.S. Highway 23 via Spruce Corners, Harrisville, East Tawas, and Standish to junction Michigan Highway 13 (formerly portion of U.S. Highway 23), thence over Michigan Highway 13 via Bay City to Saginaw (also from Spruce Corners over unnumbered highway (formerly Michigan Highway 171) to junction Michigan Highway 72, thence over Michigan Highway 72 to Harrisville; also from Bay City over Michigan Highway 84 (formerly Michigan Highway 47) to Saginaw, and (2) from Midland, Mich., over U.S. Highway B.R. (Business Route) 10 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Michigan Highway 47, thence over Michigan Highway 47 via Freeland, Mich., to junction Michigan Highway 46, thence over Michigan Highway 46 to Saginaw, Mich., thence over Genesee Avenue to Bridgeport, Mich., thence over Dixie Highway to junction Michigan Highway 54, thence over Michigan Highway 54 via Pine Run, Flint, and Grand Blanc, Mich., to junction U.S. Highway 10 west of Clarkston, Mich., thence over U.S. Highway 10 to Detroit, Mich., and return over the same routes.

No. MC 107109 (Deviation No. 13), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Ind. 46202, filed April 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 75 and Kentucky Highway 22 near Dry Ridge, Ky., over Interstate Highway 75 to junction U.S. Highway 460 at or near Georgetown,

Ky., thence over U.S. Highway 460 to Frankfort, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Dry Ridge, Ky., over Kentucky Highway 22 to junction U.S. Highway 127 at Owenton, Ky., thence over U.S. Highway 127 to Frankfort, Ky., and return over the same route.

By the Commission.

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

[F.R. Doc. 69-4835; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 1287]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 18, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 109637 (Sub-No. 357) (Republication), filed March 3, 1969, published in the FEDERAL REGISTER April 4, 1969, and republished this issue. Applicant: SOUTHERN TANK LINES INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack with any of its authorities now held by it, especially in its Sub 165, whereas applicant is authorized to serve points in Kentucky, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: This republication is to reflect the hearing information.

HEARING: May 26, 1969, before Examiner Kenneth A. Jennings, at Memphis, Tenn., in Room 978, Federal Office Building, 167 North Main Street.

Nos. MC 67485 (Sub-No. 5) and 96769 (Sub-No. 3) (Republications) (Correction), filed February 23, 1966, published FEDERAL REGISTER issues of March 16, 1966, March 30, 1966, and April 17, 1969, and republished as corrected this issue.

(1) No. MC 67485 (Sub-No. 5) (Republication). Applicant: TEXAS FILM SERVICE, INC., 518 South Main Street, San Antonio, Tex. Applicant's representative: Austin L. Hatchell, 1120 Perry-Brooks Building, Austin, Tex. 78701.

(2) MC 96769 (Sub-No. 3) (Republication). Applicant: LIBERTY FILM LINES, INC., 2500 South Harwood Street, Dallas, Tex. Applicant's representative: Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, Tex. 78701.

NOTE: The purpose of this partial republication is to correct the following error in the FEDERAL REGISTER of Wednesday, April 17, 1969: Reagan Sayers, whose address was incorrectly given, was erroneously listed as one of applicant's representatives. Reagan Sayers, whose correct address is 301 Century Life Building, Fort Worth, Tex. 76102, does not and has not represented applicants. The rest of the publication remains as previously published.

No. MC 67691 (Sub-No. 5) (Republication), filed February 23, 1966, published FEDERAL REGISTER issues of March 16, 1966, and March 30, 1966, and republished this issue. Applicant: VALLEY FILM SERVICE, INC., 518 South Main Street, San Antonio, Tex. Applicant's representative: Austin L. Hatchell, 1120 Perry-Brooks Building, Austin, Tex. 78701. Applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within the State of Texas. An order of the Commission, Operating Rights Board, dated March 20, 1969, and served March 31, 1969, finds that a certificate of registration shall concurrently be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, pursuant to that portion of Certificate of Convenience and Necessity No. 2697, authorized by order dated November 21, 1968, issued by the Railroad Commission of Texas: *General commodities* to, from and between all points along the following described routes, subject to the restrictions noted below: U.S. Highway 181 between San Antonio, Tex., and Corpus Christi, Tex.; State Highway 35 between Gregory, Tex., and Fulton, Tex.; F.M. Road 881 between Sinton, Tex., and Rockport, Tex.; F.M. Road 136 between Woodboro, Tex., and its intersection with F.M. Road 881; State Highway 44 between Corpus Christi, Tex., and Alice, Tex.; U.S. Highway 77 between Victoria, Tex., and Brownsville, Tex.; State Highway 141 between Kingsville, Tex., and its intersection with U.S. Highway 281; U.S. Highway 281 between Alice, Tex., and Edinburg, Tex.; U.S. Highway 59 between Victoria, Tex., and Houston, Tex.; U.S. Highway 83 between Harlingen, Tex., and Mission, Tex.; and State Highway 107 between Combes, Tex., and Edinburg, Tex., serving all intermediate points along such routes, except as hereinafter restricted, and coordinating the service with that presently being rendered by the applicant and interchanging with other carriers at appropriate interchange points; and to operate over the following alternate routes only for operating convenience without service to any intermediate point: U.S. Highway 281 between San Antonio, Tex., and Alice, Tex.; State Highway 186 between Raymondville, Tex., and San Manuel, Tex.; and U.S. Highway 281 between Edinburg, Tex., and Pahrr, Tex.; State Highway 202 between Beeville, Tex., and Refugio, Tex. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

(3) No service shall be rendered on any shipments originating in Houston, Tex., and destined to Victoria, Tex., or any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, Tex.; nor on shipments originating at Victoria, Tex., destined to Houston, Tex., or any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, nor on shipments originating at any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, Tex., and destined to Houston, Victoria, or any other intermediate point along said route. No service shall be rendered on shipments moving to, from or between the following named towns: Brownsville, Olmito, San Benito, Sebastion, Lyford, Raymondville, Combes, Santa Rosa, La Villa, Edcough, San Carlos, Mission, McAllen, Pahrr, Alamo, Donna, Weslaco, Mercedes, La Feria, and San Juan. No service shall be rendered on shipments moving between Harlingen and Edinburg. NOTE: Applicant holds a "grandfather" certificate of registration in No. MC-67691 (Sub-No. 2). Applicant is hereby cautioned that this order authorized issuance of a certificate of registration as evidence of a right to engage in operations, in interstate or foreign commerce, as described substantially above, only insofar as such operations do not duplicate those authorized in the "grandfather" certificate of registration in No. MC-67691 (Sub-No. 2). The publication in the FEDERAL REGISTER of the State authority sought is somewhat more

limited than that authorized by the State Commission and that because it is possible that interested parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority granted by this order will be published in the FEDERAL REGISTER and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading with this Commission.

No. MC 104523 (Sub-No. 40) (Republication), filed February 19, 1968, published in the FEDERAL REGISTER issue of March 7, 1968, and republished this issue. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. 68501. By application filed February 19, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of landscaping, building, and store products, (1) from Wheatland, Wyo., to points in Illinois, Minnesota, Missouri, and North Dakota; (2) from points in Colorado to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota; and (3) from points in Texas to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. By order of the Commission, dated August 13, 1968, and served August 19, 1968, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 4, decided April 1, 1969, and served April 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of (1) *building and landscaping materials, stone, and stone products*, (a) from points in Texas to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; (b) from points in Colorado to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota; and (c) from Wheatland, Wyo., to points in Illinois, Minnesota, Missouri, and North Dakota;

(2) *Materials* used in the laying or erection of electrical transmission lines, (a) from points in Texas to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; and (b) from points in Colorado to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota; (3) *floor coverings*, (a) from points in Colorado, to points in Iowa, Kansas, Nebraska, North Dakota, and South Dakota; and (b) from points in Texas to points in Colorado, Iowa, Kansas, and Nebraska, and (4) *buildings*, knocked down or in sections, (a) from points in Colorado, to points in Iowa, Kansas, Missouri, Oklahoma, and South Dakota; and (b) from points in Texas to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; that applicant is fit, willing, and able properly to perform the proposed service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, subject to the condition that the authority granted herein shall be construed as conferring only a single operating right. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117613 (Sub-No. 1) (Republication), filed September 23, 1968, published FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: DONALD M. BOWMAN, JR., 5 North Clifton Drive, Williamsport, Md. 21795. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 806, Westminster, Md. 21157. By application filed September 23, 1968, as amended, applicant seeks a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *concrete blocks and concrete products*, from Hagerstown, Md., to points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, Ohio, Pennsylvania, West Virginia, Virginia, Delaware, Michigan, Illinois, Indiana, and the District of Columbia, under a continuing contract with Supreme Concrete Block & Products, Inc., of Hagerstown, and (2) *brick* (except refractory brick), from Williamsport and Hagerstown, Md., to points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, Ohio, Pennsylvania, West Virginia, Virginia, Michigan, Illinois, and Indiana (except points within 165 miles of Williamsport and Hagerstown, Md.), under a continuing contract with Victor Cushwa & Sons, Inc., of Williamsport, Md. An order of the Commission, Operating Rights Board, dated March 20, 1969, and served April 10, 1969, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of (1) *concrete products* from Hagerstown, Md., to points in Connecticut, Delaware, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia under a continuing contract with Supreme Concrete Block & Products, Inc., of Hagerstown, Md., and

(2) *Brick* (except refractory brick), from Hagerstown and Williamsport, Md., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, under a continuing contract with Victor Cushwa and Sons, Inc., of Williamsport, Md.; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER an issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125506 (Sub-No. 9) (Republication), filed October 28, 1968, published in the FEDERAL REGISTER issue of November 28, 1968, and republished this issue. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. By application filed October 28, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of such merchandise as is dealt in by retail department stores, and advertising and display materials in a store to store, warehouse to store, and store to warehouse transfer service, between New York, N.Y., on the one hand, and, on the other, Short Hills, N.J. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served April 9, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *such merchandise as is dealt in by retail department stores, and, advertising and display materials*, between New York, N.Y., on the one hand, and, on the other, Short Hills, N.J., under a continuing contract with Bonwit-Teller, a division of Genesco, Inc., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld

for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128052 (Sub-No. 3) (Republication), filed September 16, 1968, published in the FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: OLIVEIRA TRUCKING COMPANY, INCORPORATED, 252 Elm Street, Blackstone, Mass. 01504. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. By application filed September 16, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of cement, in bags, on pallets, in vehicles equipped with mechanical loading and unloading devices, from Woonsocket and Blackstone, Mass., to points in Connecticut, Massachusetts, and Rhode Island. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served April 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *cement*, in bags (1) from Woonsocket, R.I., to points in Connecticut and Massachusetts; and (2) from Blackstone, Mass., to points in Connecticut and Rhode Island; that applicant is fit, willing, and able properly to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129051 (Republication), filed April 27, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished this issue. Applicant: NOVA VAN & STORAGE, INC., 2808 North Nichols Street, Fort Worth, Tex. 76106. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort worth, Tex. 76102. By application filed April 27, 1967, as modified, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of household goods, in containers, as defined by the Commission between points in Tarrant County, Tex., on the one hand, and, on the other, points within a 50-mile radius of Tarrant County, Tex., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, decontainerization of such shipments. A report of the Commission on reconsideration, decided March 26, 1969, and served April 9, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic:

(1) Between points in Tarrant County, Tex.; and (2) between points in Tarrant County, Tex., on the one hand, and, on the other, points in Dallas County, Tex., that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133035 (Sub-No. 4) (Republication), filed July 30, 1968, published in the FEDERAL REGISTER issue of August 7, 1968, and republished this issue. Applicant: DILTS TRUCKING INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of anhydrous ammonia, urea, and dry fertilizer, in bulk, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at the plantsite or storage facilities of Olin Mathieson Chemical Corp. at Omaha, Nebr., and destined to points in the named destination States. A decision and order of the Commission, Review Board No. 3, dated April 4, 1969, and served April 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *anhydrous ammonia, urea, and dry fertilizer* (except urea), from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri (except St. Louis and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Nebraska, North Dakota, and South Dakota, restricted to the transportation of shipments originating at Omaha and destined to points in the named destination States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority desribed in the findings in this decision and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133160 (Republication), filed September 12, 1968, published in the FEDERAL REGISTER issue of September 26, 1968, and republished this issue. Applicant: W. A. BEAMON AND J. R. LASSITER, a partnership, doing business as BEAMON AND LASSITER, 5748 Southern Boulevard, Virginia Beach, Va. 23462. Applicant's representative: Jno. C. Goodin, Post Office Box 1636, Richmond, Va. 23213. By application filed September 12, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities having an immediate prior or subsequent movement by aircraft (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 Norfolk, Va., on the one hand, and, on the other, points in Nansemond County, Va., on and south of U.S. Highway 58, Southampton and Nansemond Counties, Va., on and east of U.S. Highway 258, Northampton County, N.C., on and east of U.S. Highway 258, Hertford, Bertie, and Martin Counties, N.C., on and east of U.S. Highway 13; Lewiston, N.C., points in Martin, Washington, Tyrrell, and Dare Counties, N.C., on and north of U.S. Highway 64, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C., and Elizabeth City, N.C., and Isle of Wight County, Va. A report of the Commission, Review Board No. 1, dated April 4, 1969, and served April 10, 1969,

finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *general commodities* having an immediately prior or immediately subsequent movement by aircraft (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 Norfolk, Va., on the one hand, and, on the other, points in Nansemond and Isle of Wight Counties, Va., those points in Southampton County, Va., on and east of U.S. Highway 258; points in Hertford, Bertie, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C.; those points in Martin, Washington, Tyrrell, and Dare Counties, N.C., on and north of U.S. Highway 64; and those points in Northampton County, N.C., on and east of U.S. Highway 258; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 32882 and No. MC 32882 (Sub-Nos. 25, 28, 29, 32, 34, 36, and 37) (Notice of Filing of Petition To Traverse the States of Utah and Nevada for Operating Convenience Only), filed March 19, 1969. Petitioner: MITCHELL BROS. TRUCK LINES, Portland, Oreg. Petitioner's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Petitioner holds authority as follows: MC 32882, Irregular Routes: 1. Forest products and lumber, between points and places in Oregon, Washington, and Idaho, and that part of California within 150 miles of the Oregon-California State line. 2. Agricultural commodities, in truckloads, between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points and places in Washington and Oregon. 3. Building material and heavy machinery, in truckloads, between points and places within 50 miles of Portland, Oreg., on the one hand, and, on the other, points and places in Oregon and Washington and Nez Perce, Payette, Canyon, and Owyhee Counties, Idaho. 4. Building materials and heavy machinery, including heavy steel girders, steel pipe, boilers, water works supplies and plumbing goods, cement, cast stone, wooden pipe and tanks (set up or knocked down) and fabricated steel reinforcing bars, and other commodities of similar nature, between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points and places in Oregon, Washington, and Idaho, and that part of California within 150 miles of the Oregon-California State line.

5. Machinery, contractors' equipment, and construction materials: A. Between points and places in Washington and Oregon. B. Between Seattle, Wash., on the one hand, and, on the other, points and places in that part of Montana bounded by a line beginning at Great Falls, and extending in a northerly direction through Whitefish to the boundary of the United States and Canada, thence in a westerly direction along the boundary of the United States and Canada to junction U.S. Highway 91, thence along U.S. Highway 91 to Great Falls. C. Between points and places in Washington, on the one hand, and, on the other, points and places in Idaho, and those in that part of Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the boundary of the United States and Canada. 6. Heavy machinery and building materials between points in Josephine, Jackson, Douglas, and Curry Counties, Oreg., on the one hand, and, on the other, points in California north of a line extending east from Half Moon Bay through Redwood City and Miami to the Nevada-California State line, including the points named. 7. Box shooks, from Lakeview, Oreg., to points in that part of California north of Santa Barbara, Ventura, Los Angeles, and San Bernardino Counties, with no transportation for compensation on return except as otherwise authorized. From Klamath Falls, Oreg., to points in and south of San Francisco, Contra Costa, Sacramento, Amador, and Alpine Counties, Calif., with no transportation for compensation on return except as otherwise authorized.

8. General commodities, between points in Lake County, Oreg. 9. Machinery, which because of size or weight requires the use of special equipment, between points in California which are on and north of U.S. Highway 50, on the one hand, and, on the other, points in Lake County, Oreg. 10. Building materials and lumber, between points in Lake County, Oreg., on the one hand, and, on the other, points in California. 11. Lumber, machinery, and building materials between points in Lake County, Oreg., on the one hand, and, on the other, points in Nevada located on and west of U.S. Highway 95. 12. Building materials: A. From points in California, to points in Klamath County, Oreg., with no transportation for compensation on return except as otherwise authorized. B. From points in Klamath County, Oreg., to Tulelake, Calif., With no transportation for compensation on return except as otherwise authorized. 13. Lumber and lumber products, from points in Klamath County, Oreg., to points in California (except Tulelake), with no transportation for compensation on return except as otherwise authorized. MC 32882 Sub 25. Irregular routes: 14. General commodities, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring the use of special equipment. From Redding, Calif., to Salyer, Hayfork, and Willow Creek, Calif., and points on U.S. Highway 299, between Salyer and Weaverville, Calif. (excluding Weaverville), with no transportation for compensation on return, except as otherwise authorized. MC 32882 Sub 28. Irregular routes: 15. Junk, from Klamath Falls, Oreg. to San Francisco, Calif., with no transportation for compensation on return except as otherwise authorized.

16. Machinery, pipe, hardware, acetylene, and oxygen in tanks and carbide in cans, from San Francisco, Sacramento, and Oakland, Calif., to Klamath Falls, Oreg., with no transportation for compensation on return except as otherwise authorized. 17. Heavy machinery: A. Between points in Lake and Klamath Counties, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif. Service under the commodity description next above is subject to the condition that carrier shall not transport any traffic which has both origin and destination in any incorporated place served by rail carriers or within 1 mile of any railroad station located in any unincorporated place. 18. Machinery, between points in Klamath County, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Modoc, and Siskiyou Counties, Calif. 19. Machinery and construction and building materials and supplies, the transportation of which because of their size or weight, require the use of special equipment, and the same commodities when they do not require the use of special equipment, provided their transportation is incidental to the transportation by said carrier of the commodities already described in this paragraph. Between points in Deschutes, Harney, Jackson, and Malheur Counties, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif.

20. General commodities, except those of unusual value, livestock, 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, between Klamath County, Oreg. 21. Iron or steel plates, angles, channels, and beams, and brass articles, from Sacramento, Stockton, Oakland, and San Francisco, Calif., to Klamath Falls, Oreg., with no transportation for compensation on return except as otherwise authorized. 22. Fertilizer, in bags and in bulk, from the plantsite of the U.S. Gypsum Co., at Empire, Nev., to points in Klamath County, Oreg., with no transportation for compensation on return except as otherwise authorized. Any duplication in the statement of the

authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Interstate MC 32882, Irregular routes: 23. General commodities, except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, liquid commodities in bulk, commodities requiring refrigeration, canned goods, fresh and dried fruits and vegetables, apple cider and groceries, in truckloads, between San Francisco, and Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco, to Richmond, on the one hand, and, on the other, points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Fresno, Kern, Kings, Lake, Madera, Marin, Mariposa Mendocino, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif.

24. Canned goods, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above-specified California counties, except that service is not authorized to or from Fresno, Calif., and points within 50 miles of Fresno, nor is service authorized from Watsonville, Calif., and points within 5 miles of Watsonville to San Jose, San Francisco, Oakland, Emeryville, and Alameda, Calif. 25. Dried fruits, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above-specified California counties, except that service is not authorized to or from Fresno, Calif., and points within 50 miles of Fresno, nor is service authorized from points in Santa Cruz and Monterey Counties, Calif., to San Jose, San Francisco, Oakland, Emeryville, and Alameda, Calif. 26. Fresh fruits and fresh and dried vegetables, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above specified California counties, except that service is not authorized from points in Santa Cruz and Monterey Counties, Calif., to San Jose, San Francisco, Oakland, Emeryville, and Alameda, Calif.

27. Apple cider, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above-specified California counties, except that service is not authorized from Watsonville, Calif., and points within 5 miles of Watsonville, to San Jose, San Francisco, Oakland, Emeryville, and Alameda, Calif. 28. Groceries, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above-specified California counties, except that service is not authorized from San Jose, San Francisco, Oakland, and Emeryville, Calif., to Watsonville, Calif., and points within 5 miles of Watsonville. 29. General commodities, except those of unusual value, classes A and B explosives, household goods defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckloads. Between points in Jackson County, Oreg., on the one hand, and, on the other, points including Hilts, Calif., in that part of Siskiyou County, Calif., on and west of U.S. Highway 99.

30. Lumber and lumber products, in truckloads, between Stockton, Calif., on the one hand, and, on the other, points in Alameda, Contra Costa, Fresno, Kern, Merced, Napa, San Joaquin, Stansilaus, and Tulare Counties, Calif. 32. Agricultural commodities, in truckloads, from points in Modoc County, Calif., to points in Jackson and Klamath Counties, Oreg., with no transportation for compensation on return except as otherwise authorized. 33. Christmas trees, in truckloads, from points in Jackson County, Oreg., to points in San Mateo County, Calif., with no transportation for compensation on return except as otherwise authorized. 34. Boards and sheets, made from compressed sawdust or ground wood, from Ukiah, Calif., to Dorris and Yreka, Calif., with no transportation for compensation on return except as otherwise authorized. No. MC 32882 Sub 29. Irregular routes: 35. Wood chips, from points in Del Norte County, Calif., to Brookings, Oreg., with no transportation for compensation on return except as otherwise authorized. No. MC 32882 Sub 32. Irregular routes: 36. Boom boats, pond boats, logging, contracting and commercial work boats, from Hood River, Oreg., to points in Washington (except those in Clallam, Jefferson, Kitsap, and Mason Counties, Wash.), points in Idaho, points in that part of California on and north of a line beginning at Half Moon Bay, Calif., and extending to the California-Nevada State line, points in that part of Nevada on and west of U.S. Highway 95, and those in that part of Montana-Wyoming State line and extending along U.S. Highway 91 to the United States-Canada boundary line, with no transportation for compensation on return except as otherwise authorized.

No. MC 32882 Sub 36. Irregular Routes: 37. Lumber, from points in Oregon to points in Nevada, with no transportation for compensation on return except as otherwise authorized. MC 32882 Sub 37. Irregular Routes: 38. Commodities, the transportation of which, by reason of size or weight, requires the use of special equipment, and *related machinery* parts and *related contractor's materials and supplies* when their transportation is incidental to the transportation of the commodities authorized above. A. Between points in Oregon within 50 miles of Portland, Oreg., on the one hand, and, on the other, points in Canyon, Nez Perce, Owyhee and Payette Counties, Idaho. B. Between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points in Idaho and points in California within 150 miles of the Oregon-California State line. C. Betewen points in Oregon and Washington. D. Between points in Washington on the one hand, and, on the other, points in Idaho, and points in that part of Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the United States-Canada boundary line. E. Between points in Josephine, Jackson, Douglas, and Curry Counties, Oreg, on the one hand, and, on the other, points in that part of California north of a line beginning at Half Moon Bay, Calif., and extending east through Redwood City and Miami, Calif., to the California-Nevada State line, including the points named. F. Between points in California on and north of U.S. Highway 50, on the one hand, and, on the other points in Lake County, Oreg.

G. Between points in Lake County, Oreg., on the one hand, and, on the other, points in Nevada on and west of U.S. Highway 95. H. From San Fransisco, Sacramento, and Oakland, Calif., to Klamath Falls, Oreg., with no transportation for compensation on return except as otherwise authorized. I. Between points in Lake and Klamath Counties, Oreg. J. Between points in Klamath County, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif. K. Between points in Deschutes, Harney, Jackson, and Malheur Counties, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif. By the instant petition petitioner requests that the Commission grant it authority to transport those commodities presently authorized between points in California and Nevada, on the one hand, and Idaho and Montana, on the other, presently authorized to be served by traversing the States of Nevada and Utah. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124211 (Sub-No. 91) (Notice of Filing of Petition for Modification), dated March 24, 1969. Petitioner: HILT TRUCK LINES, INC., Council Bluffs, Iowa 51501. Petitioner's representative: Thomas L. Hilt, 1415 South 35th Street, Council Bluffs, Iowa 51501. Petitioner holds authority in MC 124211 Sub 91 as follows: Irregular routes: (1) *Macaroni, noodles, edible grain products, pancake and cake flour, spaghetti, and vermicelli*, except such commodities in bulk; and (2)

food products (except in bulk), in mixed loads with the commodities named in (1) above. From Lincoln, Nebr., to points in Illinois (except Chicago), Indiana, Iowa, and Minnesota, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at Lincoln, Nebr. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. By the instant petition, petitioner seeks to modify said certificate to read as follows: Irregular routes: *Macaroni, noodles, edible grain products, food products, pancake and cake flour, spaghetti and vermicelli*, except such commodities in bulk. From Lincoln, Nebr., to points in Illinois (except Chicago), Indiana, Iowa, and Minnesota, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129574 (Notice of Filing of Petition for Modification of Permit), filed March 24, 1969. Petitioner: FRANK R. CHULLINO, doing business as: MIDWEST TRANSPORTATION COMPANY, Council Bluffs, Iowa. Petitioner is authorized in MC 129574 to conduct operations as a motor contract carrier, over irregular routes, transporting: Alcoholic beverages (except malt beverages), in containers, from points in New York, Indiana, Pennsylvania, Illinois, Ohio, Michigan, and Kentucky, to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized. Petitioner presently performs the service authorized for Sterling Distributing Co., of Omaha, Nebr., its present contracting shipper. By the instant petition, petitioner requests permission to add United Distillers Co., as a contract shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

TRANSFER APPLICATIONS UNDER SECTION 212(b) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

MC-FC-71128. Authority sought by transferee, DRURY'S VAN LINES, INC., 24400 Joy Boulevard, Mt. Clemens, Mich. 48248, for transfer of the operating rights of transferer, MOVERS, INC., 1908 Penobscot Building, Detroit, Mich. 48226. Transferee's and transferor's representative, James F. Schouman, Attorney at Law, 1910 Penobscot Building, Detroit, Mich. 48226. Operating rights in Certificate No. MC-95131 sought to be transferred: household goods, as defined by the Commission, and used store fixtures and office fixtures, between points in St. Clair, Sanilac, and Huron Counties, Mich., on the one hand, and, on the other, the United States-Canada boundary line through the ports of entry at Port Huron, Mich., and points in Wisconsin, Illinois, Indiana, Ohio, Kentucky, Pennsylvania, and New York.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with the proceedings in Nos. MC-F-10326, Movers, Inc., Drury's Van Lines, Inc., A-World Van Service, Inc., and Martin Van Lines, Inc.—Investigation of Control, and MC-F-10120, Bekins Van Lines, Inc. et al. v. William Jansen et al., at a time and place to be fixed, for the purpose of determining whether applicants are affiliated with A-World Van Service, Inc., and Martin Van Lines, Inc., in violation of section 5(4) of the Interstate Commerce Act or come within the purview of section 212(b) of said Act and section 1132 of the rules and regulations governing transfer of operating rights. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-10427 (Correction) (RYDER-TRUCK LINES, INC.—Control—W. T. BYRNS MOTOR EXPRESS, INC.), published in the April 3, 1969, issue of the FEDERAL REGISTER, on page 6065. This notice is to show RYDER TRUCK LINES, INC., seeks to *control and purchase* the operating rights and property of W. T. BYRNS MOTOR EXPRESS, INC., in lieu of control only.

No. MC-F-10448. Authority sought for control by BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y. 10011, of MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. 06051, and for acquisition by BRANCH INDUSTRIES, INC., also of New York, N.Y., of control of MIDDLE ATLANTIC TRANSPORTATION CO., INC., through the acquisition by BRANCH MOTOR EXPRESS COMPANY. Applicants' Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N.Y., and Detroit, Mich., between New York, N.Y., and Albany, N.Y., between New York, N.Y., and junction U.S. Highways 20 and 9 (just south of Schodack Center), serving all intermediate and certain off-route points; between Bridgeport, Conn., and Valatie, N.Y., serving all intermediate points with no service at Valatie, between Stratford, Conn., and Hartford, Conn., serving all intermediate points, between New Britain, Conn., and Canaan, Conn., serving all intermediate points, with no service at Canaan, between Syracuse, N.Y., and Batavia, N.Y., serving all intermediate points, with no service at Batavia, between Rochester, N.Y., and Buffalo, N.Y., serving all intermediate points, between junction New York Highways 33 and 78 (just west of Bowmansville) and Irving, N.Y., serving all intermediate points with no service at the termini, between New York, N.Y., and Cleveland, Ohio, serving all intermediate and certain off-route points, between Amity Hall, Pa., and Erie, Pa., serving all intermediate points with no service at Amity Hall, between Ebensburg, Pa., and Cleveland, Ohio,

Serving all intermediate points with no service at Ebensburg, with restriction; serving certain intermediate and off-route points, between Columbus, Ohio, and junction Interstate Highway 70 and Interstate Highway 76, located at or near New Stanton, Pa., serving no intermediate points, between Columbus, Ohio and junction Interstate Highway 71 and U.S. Highway 224, located about 3 miles northwest of Seville, Ohio, serving no intermediate points, and serving junction Interstate Highway 71 and U.S. Highway 224 for purposes of joinder only, between junction Interstate Highway 71 and U.S. Highway 224, located about 3 miles northwest of Seville, Ohio, and junction Interstate Highway 71 and Ohio Highways 1 and 18, located about 4 miles east of Medina, Ohio, serving no intermediate points, serving Akron, Ohio, as an off-route point, and serving the termini for purposes of joinder only, between junction Interstate Highway 71 and Ohio Highways 1 and 18, located about 4 miles east of Medina, Ohio, and Cleveland, Ohio, serving no intermediate points, serving junction Interstate Highway 71 and Ohio Highways 1 and 18 for purposes of joinder only, between Columbus, Ohio, and junction Ohio Alternate Highway 14 and Ohio Highway 14, located about 1 mile north of Columbiana, Ohio, serving certain intermediate and off-route points, between Cambridge, Ohio, and Pittsburgh, Pa., serving no intermediate points, and serving Cambridge, Ohio, for purposes of joinder only, between Columbus, Ohio, and Toledo, Ohio, serving no intermediate points, and serving Lima, Ohio, as an off-route point, between Cincinnati, Ohio, and Zanesville, Ohio, serving no intermediate points, and serving Zanesville, Ohio, for purposes of joinder only, between Washington Court House, Ohio,

and Columbus, Ohio, serving no intermediate points, and serving Washington Court House, Ohio, for purposes of joinder only.

Between Cincinnati, Ohio, and junction U.S. Highway 42 and U.S. Highway 224, located at or near Lodi, Ohio, serving the intermediate point of Delaware, Ohio, and junction U.S. Highways 42 and 224 for purposes of joinder only, between junction U.S. Highway 42 and U.S. Highway 224, located at or near Lodi, Ohio, and Medina, Ohio, serving no intermediate points, serving Akron, Ohio, and an off-route point, and serving the termini for purposes of joinder only, between Medina, Ohio, and Cleveland, Ohio, serving no intermediate points, and serving Medina, Ohio, for purposes of joinder only, between Cincinnati, Ohio, and Dayton, Ohio, serving no intermediate points, between Dayton, Ohio, and Columbus, Ohio, serving no intermediate points, between Springfield, Ohio, and junction U.S. Highway 36 and Interstate Highway 71, located at or near Berkshire, Ohio, serving the termini and the intermediate point of Delaware, Ohio, for purposes of joinder only, between Dayton, Ohio, and Lima, Ohio, between Lima, Ohio, and Toledo, Ohio, serving no intermediate points, between Findlay, Ohio, and Cleveland, Ohio, serving no intermediate points, serving Lorain, Ohio, as an off-route point, and serving Findlay, Ohio, for purposes of joinder only, between junction U.S. Highway 25 and U.S. Highway 30N, located at or near Beaverdam, Ohio, and Canton, Ohio, serving no intermediate points, serving Akron and North Canton, Ohio, as off-route points, and serving junction U.S. Highway 25 and U.S. Highway 30N for purposes of joinder only, between Boston, Mass., and Hartford, Conn., serving certain intermediate and off-route points, between Worcester, Mass., and Providence, R.I., between junction Rhode Island Highways 146 and 146–A, and Woonsocket, R.I., between junction Rhode Island Highways 146–A and 15, and Pawtucket, R.I., between New Haven, Conn., and Providence, R.I., between New Haven, Conn., and Providence, R.I., between Providence, R.I., and Pawtucket, R.I. between Providence, R.I., and Woonsocket, R.I., between Hartford, Conn., and Providence, R.I., serving no intermediate points, with restriction; over numerous alternate routes for operating convenience only;

General commodities, except those of unusual value, livestock, commodities in bulk, explosives (not including small-arms ammunition), commodities requiring refrigeration, and those injurious or contaminating to other lading, between Mansfield, Mass., and Boston, Mass., serving all intermediate points, and the off-route points of Sharon and Canton, Mass.; *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between certain specified points in Massachusetts, between Providence, R.I., on the one hand, and, on the other, points in Rhode Island; *general commodities*, except those of unusual value, livestock, commodities in bulk, explosives (not including small-arms ammunition), commodities requiring refrigeration and those injurious or contaminating to other lading, between certain specified points in Massachusetts, on the one hand, and, on the other, certain specified points in Rhode Island, and points in Massachusetts, with restriction; and *starch and dextrine*, from Wollaston and Boston, Mass., to points and places in Providence County, R.I. BRANCH MOTOR EXPRESS COMPANY is authorized to operate as a *common carrier* in New York, Maryland, New Jersey, Pennsylvania, Delaware, District of Columbia, West Virginia, Ohio, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10449. Authority sought for purchase by H. J. TOBLER TRANSFER, INC., 1012 Peoria Street, Peru, Ill. of the operating rights of GRAVES TRANSFER CO., INC., Wyoming, Ill. 61491, and for acquisition by H. F. TOBLER and J. STUART HALM, both also of Peru, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 99710 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: MC 8515 Sub-10 is a matter directly related.

No. MC–F–10450. Authority sought for control by HERMANN FORWARDING COMPANY, Hermann Road, Post Office Box No. 1, North Brunswick, N.J. 08902 of THE EL DORADO TRANSPORTATION COMPANY, INCORPORATED, 1718 Boston Post Road, Milford, Conn. 06460, and for acquisition by ESTATE OF FRED J. HERMANN, RICHARD W. HERMANN and ALBERT W. HERMANN, all also of North Brunswick, N.J. 08902, of control of the EL DORADO TRANSPORTATION COMPANY, INCORPORATED, through the acquisition by HERMANN FORWARDING COMPANY. Applicants' attorneys: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005, Seth O. L. Brody, 640 Clinton Avenue, Bridgeport, Conn. 06605 and William Traub, 10 East 40th Street, New York, N.Y. 10016. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Spencer, Mass., and Springfield, Mass., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New Haven and Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut, between points in the New York, N.Y., commercial zone as defined by the Commission; between points in New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Westchester and Nassau Counties, N.Y., and certain specified points in New Jersey, with restriction; *carbon and tissue paper*, from Elizabeth, N.J., to certain specified points in Pennsylvania; *road signals*, from Elizabeth, N.J., to points in Philadelphia and Luzerne Counties, Pa.;

Iron and steel articles, from Elizabeth, N.J., to certain specified points in Pennsylvania; *hardware*, from Elizabeth, N.J., to Plymouth, Pa.; *paper waste and wood pulp*, from Philadelphia, Pa., to Elizabeth, N.J.; *resin compounds*, from Grasselli, N.J., to New York, N.Y., and Scranton, Pa., Waterbury, Conn., and points in Suffolk County, N.Y.; *empty drums and copper sulphate*, from Irvington, N.J., to certain specified points in New York; *chocolate, chocolate coatings, and candy*, from Newark, N.J., to certain specified points in New York; *plumbers' supplies, cast iron*, from Newark, N.J., to points in Ulster and Suffolk Counties, N.Y.; *chemicals*, from Newark, N.J., to certain specified points in New York; *tin and iron ware*, from Newark, N.J., to points in Suffolk County, N.Y.; *leather and artificial leather*, from Newark, N.J., to points in Philadelphia and Bucks Counties, Pa.; *drugs*, from Newark, N.J., to Wilkes-Barre, Pa.; *iron castings*, from Newark, N.J., to points in Philadelphia County, Pa.; *turpentine, chocolates, candies, road signals, iron and steel articles, plumber supplies and equipment, paint, patterns, hardware, cast iron pipe and fittings, and iron castings*, from Newark, N.J., to points in Connecticut on and west of U.S. Highway 5; and *automobile parts and accessories, and batteries*, between Bloomfield, N.J., New York, N.Y., and points in Connecticut. HERMANN FORWARDING COMPANY is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10451. Authority sought for purchase by DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216, of the operating rights and property of MONTEZUMA TRUCK LINES, INC., 873 East Third, Post Office Box 637, Durango, Colo. 81302, and for acquisition by DON WARD, also of Denver, Colo., and BOYD E. RICHNER, Post Office Box 1488, Durango, Colo. 81302, of control of such rights and property through the purchase. Applicants' attorneys: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202, and Leslie R. Kehl, Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Wool*, as a *common carrier*, over irregular routes, from Cortez, Colo., and points in Colorado within 50 miles thereof, to Gallup, N. Mex.; *cable*, from Aztec, N. Mex., to McElmo, Colo.; *brick*, from Gallup, N. Mex., to Cortez, Colo., and points in Colorado within 50 miles of Cortez, Colo.; *dressed poultry*, from

Cortez, Colo., to Gallup, N. Mex.; *livestock*, between Cortez, Colo., and points in Colorado within 50 miles thereof, on the one hand, and, on the other, Gallup, N. Mex., and points in New Mexico within 50 miles of Gallup, N. Mex.; *cement*, in containers, from Portland, Colo., to points in San Juan County, N. Mex., and points in Navajo and Apache Counties, Ariz., north of a line extending along U.S. Highway 66 through Winslow, Holbrook, and Chambers, Ariz.; *pumice products, concrete products, and clay products*, from points in Bernalillo County, N. Mex., to certain specified points in Colorado and points in Navajo and Apache Counties, Ariz., north of U.S. Highway 66; *cement admixes*, in bulk and in bags, from points in Santa Barbara County, Calif., to certain specified points in Arizona, San Juan and Rio Arriba Counties, N. Mex., and certain specified points in Colorado; *gypsum board and gypsum plaster* (other than point and joint cement compound), restricted to a prior movement by railroad, from Albuquerque, N. Mex., to points in San Juan County, Utah, Apache and Navajo Counties, Ariz., San Juan and Rio Arriba Counties, N. Mex., and certain specified points in Colorado; *pumice block*, from Albuquerque, N. Mex., to points in San Juan County, Utah, Apache and Navajo Counties, Ariz., and certain specified points in Colorado; and *clay products*, from Denver and Pueblo, Colo., to points in San Juan, Utah, Apache and Navajo Counties, Ariz., and San Juan and Rio Arriba Counties, N. Mex., from Albuquerque, N. Mex., to points in San Juan County, Utah, Apache and Navajo Counties, Ariz., and certain specified points in Colorado. Vendee is authorized to operate as a *common carrier* in Utah, Colorado, New Mexico, Wyoming, Nebraska, Kansas, South Dakota, Montana, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10452. Authority sought for control and merger by T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 66 South Miller Road, Akron, Ohio 44313, of the operating rights and property of ALL-OHIO EXPRESS, INC., 1920 East Waterloo Road, Akron, Ohio 44308. Applicants' attorneys: Noel F. George and John P. McMahon, both of 100 East Broad, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC-97796 Sub-3, covering the transportation of property, as a *common carrier*, in intrastate commerce, within the State of Ohio. T. T. BROOKS TRUCKING COMPANY, INCORPORATED, is authorized to operate as a *common carrier* in Ohio, Tennessee, Georgia, Kentucky, Alabama, and Mississippi. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 69-4836; Filed, Apr. 22, 1969; 8:51 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 18, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T-681 Sub 28, filed January 24, 1969. Applicant: HELMS MOTOR EXPRESS, INC., Post Office Box 700, Albermarle, N.C. 28001. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), for operating convenience only and with no service at any intermediate point thereon, over the following routes: (1) between Salisbury, N.C., and Statesville, N.C., over U.S. Highway 70 for operating convenience only, serving no intermediate points, except those presently served: Cleveland, Barber and Fiberton (all presently served off U.S. Highway 801); (2) between Rockingham, N.C. and Charlotte, N.C. over U.S. Highway 74 for operating convenience only, serving no intermediate points; and (3) between Statesville, N.C. and Conover, N.C. over U.S. Highway 70 for operating convenience only, serving no intermediate points. Both intrastate and interstate authority sought.

HEARING: Friday, May 30, 1969 at 10 a.m., in offices of North Carolina Utilities Commission, Ruffin Building, 1 West Morgan Street, Raleigh, N.C. 27602. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69-73-MF/0, filed March 19, 1969. Applicant: SPALDING TRANSPORT, INC., 827 West 26th Avenue, Anchorage, Alaska 99503. Applicant's representative: Joe Hermon Spalding (same address as above). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *contractors equipment, industrial machinery, and materials and supplies*, between points in Alaska Zones 3, 4, 5, 6, and 7, over irregular routes, in a nonschedules service. Both intrastate and interstate authority sought.

HEARING: Monday, May 5, 1969 at 9 a.m., at the Alaska Transportation Commission Office, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 2600, filed April 7, 1969. Applicant: RED ARROW, FREIGHT LINES, INC., 3901 Sequin Road, San Antonio, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (a) between Hempstead, Tex., and Marlin, Tex., via Navasota, College Station, Bryan, and Hearne over Texas Highway 6, serving Navasota, College Station, and Bryan and all intermediate points between Navasota and Bryan; serving Hempstead, Hearne, the junction of Texas Highways 6 and 14, and Marlin only, for the purpose of forming joinder of routes with existing routes and (b) between Navasota and Brenham via Texas Highway 90, serving no intermediate points and serving Brenham only for the purpose of forming joinder of routes with existing routes; coordinating this service with that rendered under other authority. Both intrastate and interstate authority sought.

HEARING: Application will be heard approximately 30 days after notice in the FEDERAL REGISTER, at 9 a.m., in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, Tex. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Motor Transportation Section, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 4350, filed April 7, 1969. Applicant: TEXAS CENTRAL MOTOR LINES, INC., Box 698, Gorman, Tex. 76454. Applicant's representative: Johnnie B. Rogers, 313 Perry-Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity, sought to operate a freight service as follows: Transportation of *General commodities* over the following routes: (a) State Highway 6 and FM Road 927 between Dublin and Walnut Springs, (b) FM Road 219 and U.S. Highway 281 between Dublin and Evant; (c) FM Road 587 and State Highway 36 between DeLeon and Cross Plains; (d) U.S. Highway 67 between Dublin and Glen Rose; (e) State Highway 16 and State Highway 36 between DeLeon and Gustine; (f) State Highway 6 between Gorman and Carbon, and (g) State Highway 16 between DeLeon and Desdamonia. Applicant proposes to serve all intermediate points on said routes. Both

intrastate and interstate authority sought:

HEARING: Approximately 30 days after application appears in the FEDERAL REGISTER in Austin, Tex., at the Ernest O. Thompson Building, 10th and Colorado Streets. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Motor Transportation Section, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 69-4837; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 817]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 18, 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 68328 (Sub-No. 2 TA), filed April 10, 1969. Applicant: JERSEY SEABOARD LINES, INC., Post Office Box 1, Spring Lake, N.J. 07762. 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: *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,) between points in Monmouth, Middlesex, and Ocean Counties, N.J., on the one hand, and, on the other, points in New Jersey in the New York, N.Y., commercial zone as defined by the Commission, East Rutherford, Lyndhurst, Newark, Port Newark, Elizabeth, Port Elizabeth (Union County), and Kearny, N.J., restricted to shipments having prior or subsequent movement in interstate commerce, for 150 days. Supporting shippers: There are approximately 18 statements of support attached to the application, which may be examined here at the Offices of the Interstate Commerce Commission, or at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, 410 Post Office Building., Trenton, N.J. 08608.

No. MC 103435 (Sub-No. 208 TA), filed April 9, 1969. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, from Yankton and Sioux Falls, S. Dak., to points in Washington, Oregon, Idaho, Montana, Wyoming, Colorado, North Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, and Illinois, for 180 days. NOTE: Carrier does intend to tack with authority in Sub 2 and interline in destination territories where interline carriers are available. Supporting shippers: Rich Brothers, Post Office Box 514, Sioux Falls, S. Dak. 57101. Send protests to: Herbert C. Ruoff, District Supervisor, 2022 Federal Building, Denver, Colo. 80202.

No. MC 106089 (Sub-No. 11 TA), filed April 11, 1969. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, Jacksonville, Fla. 32205. Applicant's representative: McCarthy Crenshaw, 1205 Universal Marion Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and merchandise distributed by baking companies*, and, in connection therewith, *bakery advertising matter*, from Miami, Fla., to Greenville, S.C., and points within 15 miles thereof; and *stale or rejected bakery products*, from said destination to said origin, for 150 days. Supporting shipper: Winn-Dixie Stores, Inc., and/or Dixie Darling Bakers, Inc., 825 Barnett Street, Jacksonville, Fla. 32203. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 107227 (Sub-No. 104 TA) (Correction), filed March 28, 1969, published FEDERAL REGISTER, issue of April 8, 1969, and republished as corrected this issue. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94557. Applicant's representative: Howard Berry (same address as above). The purpose of this republication is to show that applicant seeks temporary authority for a period of 180 days. This information was inadvertently omitted from previous publication.

No. MC 107515 (Sub-No. 650 TA), filed April 9, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., 3901 Jonesboro Road, Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Standard Foods, Inc., Louisville, Ky., to Huntington and Charleston, W. Va., Chicago, Ill., St. Louis, Mo., South Bend and Indianapolis, Ind., Dover, Salem, and Cincinnati, Ohio, Detroit, Pontiac, Port Huron, Ann Arbor, Jackson, Saginaw, and Lansing, Mich., for 150 days. Supporting shipper: Standard Foods, Inc., 1101 East Washington Street, Louisville, Ky. 40206. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 114840 (Sub-No. 7 TA), filed April 10, 1969. Applicant: EUGENE EBY, GLENN EBY, AND WAYNE EBY, a partnership, doing business as EBY BROTHERS, 2633 Regan, Boise, Idaho 83702. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood, particleboard and laminated wood beams*, between points in Idaho south of the northern boundary of Idaho County and points in Baker, Grant, Harney, Malheur, Umatilla, Union, and Wallowa Counties, Oreg., for 180 days. NOTE: Applicant states it does not intend to tack, applied for authority to other authority held, or to interline with other carriers. Supporting shippers: Hoff Lumber Co., Horseshoe Bend, Idaho, Beall Lumber Co., Post Office Box 2172, Boise, Idaho 83701, and Boise Cascade Corp., Post Office Box 7747, Boise, Idaho 83707. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 115523 (Sub-No. 151 TA), filed April 11, 1969. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar*, in bulk, from the plantsites of The Amalgamated Sugar Co., at Twin Falls and Rupert, Idaho, and 5 miles of each, to all points in Utah, (2) *contaminated, rejected, or return movements of sugar*, in bulk, from points in Utah to Twin Falls and/or Rupert, Idaho, and 5 miles of each, for 180 days. Supporting shipper: The Amalgamated Sugar Co., First Security Bank Building, Post Office Box 1520, Ogden, Utah 84402. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 119135 (Sub-No. 2 TA), filed April 11, 1969. Applicant: AGNES H. WOODSON, doing business as WOODSON TRUCKING COMPANY, Post Office Box 52, Bluefield-Tazewell Road,

North Tazewell, Va. 24630. Applicant's representative: Robert M. Richardson, 602 Law and Commerce Building, Bluefield, W. Va. 24701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized rock products*, in bags, from points in Tazewell and Russell Counties, Va., to points in Virginia, West Virginia, and Kentucky within a radius of 150 air miles of Bluefield, Va., for 180 days. Supporting shipper: The Limestone Dust Corp., Box 152, Bluefield, Va. 24605. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 119493 (Sub-No. 47 TA), filed April 11, 1969. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel cans and accessories* in truckload lots and/or in mixed shipments with animal feed or ingredients, from Strongheart Products Co. plant in Kansas City, Kans., to Strongheart Products Co. plant and facilities located at Momence, Ill., and Greenville, Miss., for 180 days. Supporting shipper: Strongheart Products Co., Post Office Box 2009, Kansas City, Kans. 66110. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123392 (Sub-No. 14 TA), filed April 14, 1969. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, replacement, repossessed, and abandoned motor vehicles and trailers* (excluding trailer houses and/or mobile homes), together with parts and cargo related thereto, exclusively in wrecker service. Between points in Armstrong, Carson, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Oldham, Potter, Randall, Roberts, Sherman and Wheeler Counties Tex., and points in Colorado, Kansas, New Mexico, and Oklahoma, for 180 days. Supporting shippers: Panhandle White Truck Service, 3810 Northeast Eighth Street, Amarillo, Tex. Cummins Sales & Service, Inc., Post Office Box 5327, Amarillo, Tex. 79107. Forrester Truck Co., Box 546, Amarillo, Tex. 79105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 124988 (Sub-No. 2 TA), filed April 14, 1969. Applicant: H. H. HOCKER, doing busines as TRUCK SERVICE COMPANY, 2111 Southwest Boulevard, Tulsa, Okla. 74107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, vermiculite* charred, *naphtha (distillate) lighter fluid* in containers, *spices and sauces*, from Kingsford Co. plant and warehouse sites near Belle, Mo., and Ellis Spur, near Bland, Mo., to points in Arkansas, Oklahoma (except Tulsa and Oklahoma City), New Mexico, and Texas, for 180 days. Supporting shippers: Kingsford Co. (Levern N. Forseth), 1122 Commonwealth Building, Post Office Box 1033, Louisville 1, Ky.; Rogers & Shirley Brokerage Co., Carl Rogers, General Manager, 2525 East 21st Street, Tulsa, Okla. 74152. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 127952 (Sub-No. 8 TA), filed April 14, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Los Angeles County, Calif., to points in Maricopa, Pima, Navajo, and Yuma Counties, Ariz., for 180 days. Supporting shippers: Ball Brothers Co., Inc., Muncie, Ind. 47302; Glass Containers Corp., 535 North Gilbert Avenue, Fullerton, Calif. 92634; Brockway Glass Co., Inc., 8717 G Street, Oakland, Calif.; Owens-Illinois, 1700 South El Camino Real, San Mateo, Calif. 94402; Thatcher Glass Manufacturing Co., 1901 Grand Central Avenue, Elmira, N.Y. 14902. Send protests to: District Supervisor, John E. Nance, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 127964 (Sub-No. 3 TA), filed April 14, 1969. Applicant: JOHN H. OSBORNE, doing business as OSBORNE TRUCKING CO., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in South Dakota and to those points in Nebraska, lying on and west of U.S. Highway 33, for 180 days. Supporting shipper: Star Studs, Inc., Post Office Box 517, Afton, Wyo. 83110. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 304, Lierd Building, 259 South Center Street, Casper, Wyo. 82601.

No. MC 128279 (Sub-No. 9 TA), filed April 11, 1969. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 La Veta Drive, NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Single or concentric cylinders or containers*, loaded or empty, which because of size, or construction, require special equipment or handling, and accessories, components, and related parts thereof moving in connection therewith, except such of the foregoing commodities as are used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between the Nevada Test Site of the U.S. Atomic Energy Commission located near Mercury, Nev., on the one hand, and, on the other, Los Alamos, N. Mex., for 180 days. Supporting shipper: Atomic Energy Commission, Los Alamos, N. Mex. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 129990 (Sub-No. 2 TA), filed April 11, 1969. Applicant: AL GAZZOLLE & SONS, INC., Pier 26 North River, New York, N.Y. 10009. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients and raw materials used to manufacture cosmetics, soaps, and bath powders*, shipped in overseas containers and having a prior movement to United States by water, between steamship piers in New York, N.Y., commercial zone and, Ramsey, N.J., limited to shipments moving under continuing contract with Vita Bath, Inc., for 150 days. Supporting shipper: Vita Bath, Inc., 565 East Crescent Avenue, Ramsey, N.J. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133114 (Sub-No. 1 TA), filed April 9, 1967. Applicant: UNITED TOWING SERVICE, 8955 Atlantic Avenue, South Gate, Calif. 90280. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* (except passenger automobiles or trailers designed to be drawn by passenger vehicles), and *replacement vehicles* for wrecked or disabled motor vehicles, between points in Los Angeles County, Calif., on the one hand, and, on the other, points in Arizona, Nevada, and New Mexico, for 180 days. Supporting shippers: Baker Commodities, Inc., 4020 Bandini Boulevard, Los Angeles, Calif. 90023; and Aerojet-General Corp., 11711 Woodruff Avenue, Downey, Calif. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133315 (Sub-No. 1 TA), filed April 14, 1969. Applicant: ASBURY SYSTEM, 2222 East 38th Street, Vernon, Calif. 90058. Applicant's representative: James W. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles, Calif. 90013. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum core*, in bulk, from El Segundo, Calif. to Long Beach, Calif., for 150 days. Supporting shipper: Standard Oil Co. of California, 225 Bush Street, San Francisco, Calif. 94120. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133545 (Sub-No. 1 TA), filed April 10, 1969. Applicant: DAVID DEMONS, doing business as LEMONS HOUSE MOVING, 1250 Houston Road, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses or buildings*, set up or in sections, other than knocked down flat, and not including mobile homes or buildings designed for transportation in towaway service, from points in Idaho south of the Salmon River to points in Montana and points in Teton, Sublette, Lincoln, Uinta, Sweetwater, Park, and Fremont Counties, Wyo., and Yellowstone National Park, for 180 days. NOTE: No tacking or interlining is proposed. Supporting shippers: Ben Bros. Construction, 210 Colorado Avenue, Idaho Falls, Idaho 83401; and Boise Cascade Corp., Post Office Box 7747, Boise, Idaho 83707. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 133594 (Sub-No. 1 TA), filed April 11, 1969. Applicant: INTRACOASTAL TRANSFER LINE, INC., 1200 Peters Road, Post Office Box 354, 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 the plantsite and warehouse at the National Gypsum Co. at Westwego, La., to points in Alabama, Mississippi, and those in that part of Florida on and west of U.S. Highway 319 and *return shipments*, on return, for 180 days. Supporting shipper: National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133611 TA, filed April 7, 1969. Applicant: KING TRANSPORT, INC., 753 Marion Road, Columbus, Ohio 43207. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bars; bar shapes; plate; structural plates; sheet; grating and expanded metal*, between Columbus, Ohio, on the one hand, and, on the other (1) points in West Virginia located in the region or on the boundary described as follows: On the north and west by the Ohio River and the south and east beginning at St. Marys, W. Va., extending along West Virginia Route No. 2 to junction of U.S. Highway No. 21 at Parkersburg, W. Va., thence along U.S. Highway 21 to junction U.S. Highway No. 33; thence along U.S. Highway 33 to junction West Virginia Highway No. 2; thence along West Virginia Highway No. 2 to junction U.S. Highway No. 60 at Huntington W. Va.; thence along U.S. Highway 60 to Kentucky-West Virginia State line; (2) points in Kentucky located in the region or on the boundary described as follows: On the north by the Ohio River on the south beginning at the Kentucky-West Virginia State line at U.S. Highway No. 60; thence along U.S. Highway No. 60 to junction U.S. Highway No. 23; thence along U.S. Highway No. 23 to the Ohio-Kentucky State line at Portsmouth, Ohio. Restricted to the transportation of shipments weighing 15,000 pounds or less. The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts with the Brown Steel Co. of Columbus, Ohio, for 180 days. Supporting shipper: The Brown Steel Co., 753 Marion Road, Columbus, Ohio 43207. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 133618 TA, filed April 9, 1969. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, Pa. 17023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, packinghouse products and articles distributed by meat packinghouses as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), and *meats, meat products, packinghouse products, and articles distributed by meat packinghouses*, as set forth in sections A and C. Descriptions in Motor Carrier Certificates, M.C.C. 209 and 766, having a prior movement in interstate commerce, from Harrisburg, Pa., to Elizabethville, Pa., and from Elizabethville, Pa., to points in Pennsylvania, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, 228 Walnut Street, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 133625 TA, filed April 14, 1969. Applicant: HAWK TRANSIT, INC., 118 Ashley Street, Douglas, Ga. 31533. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile Homes*, from points in Coffee County, Ga., to points in Florida, for 180 days. Supporting shippers: Bright Leaf Corp., Post Office Box 1137, Douglas, Ga. 31533, Douglas Homes, Inc., Post Office Box 228, Douglas, Ga. 31533. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133626 TA, filed April 11, 1969. Applicant: JEAN CHARLES VOYER, Riviere a Pierre, County of Portneuf, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from ports of entry the United States-Canadian boundary line at or near Champlain, Alexandria Bay, and Roosevelt Town, N.Y., and Beecher Falls, Vt., to points in New York State, Pennsylvania, Ohio, Massachusetts, Vermont, and New Hampshire, for 180 days. Supporting shipper: Thomson Granite Co., Ltd., 39 Grangemill Cres., Don Mills, Ontario, and Dumas & Voyer, Riviere a Pierre, Ctc Portneuf, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133627 TA, filed April 14, 1969. Applicant: COMMON MARKET DISTRIBUTING CORPORATION, 310 West Watkins Road, Post Office Box 3902, Phoenix, Ariz. 85003. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3350 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vitrified clay pipe and cast-iron manhole frames, covers, and steps*, from Pueblo, Colo., to points in Arizona for R. L. Coburn Co., Inc., for 180 days. Supporting shipper: R. L. Coburn Co., Inc., 1804 South 27th Avenue, Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 133 TA), filed April 9, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: Barrett Elkins, 1400 West Third Street, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and the baggage of passengers*, having a prior or subsequent movement by rail, between junction of U.S. Highway 6 and Ohio Highway 199 (formerly U.S. Highway 23) at New Rochester, Ohio, and Bowling Green, Ohio; from junction of U.S. Highway 6 and Ohio Highway 199 (formerly U.S. Highway 23) at New Rochester, Ohio, over U.S. Highway 6 to Bowling Green, and return over the same route, serving no intermediate points, for 150 days. NOTE: Applicant requests authority to tack authority sought to its existing authority. Supporting shippers: The Chesapeake and Ohio Railway Co. and The Baltimore and The Baltimore and Ohio Railway Co., Passengers Services Department, Baltimore, Md. 21201. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219

South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

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

[F.R. Doc. 69-4838; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 330A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 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-70736. By order of April 14, 1969, Division 3, acting as an Appellate Division, approved the transfer to Ridgeway Motor Coach, Inc., Baltimore, Md., of certificate in No. MC-112716 (Sub-No. 1), issued May 21, 1952, to National Motor Tours, Inc., Baltimore, Md., authorizing the transportation of: Passengers and their baggage, in charter and special operations. From Baltimore, Md., and points in nearby counties, to Washington, D.C., New York, N.Y., and points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, and New Jersey within 150 miles of Baltimore. Charles McD. Gillan, Jr., 113 Montrose Avenue, Baltimore, Md. 21228, attorney for applicants.

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

[F.R. Doc. 69-4839; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 331]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 18, 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-71250. By order of April 8, 1969, the Motor Carrier Board approved the transfer to South End Cartage, Inc., Chicago, Ill., of certificate No. MC-8472 issued August 28, 1942, to James Niner, doing business as South End Cartage, Chicago, Ill., authorizing the transportation of: General commodities, with the usual exceptions, between points in the Chicago, Ill., commercial zone, as defined by the Commission. Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604, attorney for applicants.

No. MC-FC-71052. By order of April 8, 1969, the Motor Carrier Board approved the transfer to V & F Enterprises, Inc., McCook, Nebr., of certificates Nos. MC-102426 and MC-102426 (Sub-No. 2), issued December 22, 1942, and July 19, 1955, respectively, to V. H. Fette, McCook, Nebr., authorizing the transportation of: Heavy machinery and engines, from and to points on rail lines, for distances not to exceed 10 miles in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 183 to Phillipsburg, Kans., thence along Kansas Highway 1 to junction U.S. Highway 83 and thence along U.S. Highway 83 to the Kansas-Nebraska State line, and that part of Nebraska on and west of U.S. Highway 83; portable houses and buildings, between points in that part of Colorado on and east of a north and south line drawn through Brush, Colo., and that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 183 to Phillipsburg, Kans., thence along Kansas Highway 1 to junction U.S. Highway 83, and thence along U.S. Highway 83 to the Kansas-Nebraska State line, and that part of Nebraska on and west of U.S. Highway 83; and buildings, complete, knocked down or in sections, and all component parts and materials used in assembling, erection, or completion of such buildings, when shipped with same, between points in Kansas, on the one hand, and, on the other, points in Colorado and Nebraska. David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73101, attorney for applicant.

No. MC-FC-71191. By order of April 8, 1969, the Motor Carrier Board approved the transfer to Harry J. Patton and Carlos E. Brewer a partnership, doing business as Patton Trucking Co., Homer, Ill., of certificate No. MC-36587 issued December 13, 1955, to H. M. Waggoner, Homer, Ill., authorizing the transportation of: Sand and gravel, tile and clay products, coal, and livestock, between specified points in Illinois and Indiana. Nolan C. Craver, Jr., 210 North Broadway, Urbana, Ill. 61801, attorney for applicants.

No. MC-FC-71004 Republication—Supplemental Order. Miller Transporters, Inc., a Mississippi corporation, transferee, and Miller Transporters, Inc., a Louisiana corporation, transferor. The order of the Transfer Board entered in the subject proceeding December 30, 1969 is supplemented to approve the transfer of the additional operating rights to transferee in certificates Nos. MC-107002 (Sub-No. 241), MC-107002 (Sub-No. 301), and MC-107002 (Sub-No. 335), in addition to the rights acquired by transferee in the previous order. The supplemental order also approves and authorized the transfer to transferee of the operating rights acquired pursuant to approval and consummation of No. MC-F-10245, covering the transportation of: Petroleum and petroleum products, as defined in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Concordia, Catahoula, and Tensas Parishes, La., to points in Adams County, Miss., with no transportation for compensation on return except as otherwise authorized.

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

[F.R. Doc. 69-4840; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 331A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 18, 1969.

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

No. MC-FC-71340. By application filed April 17, 1967, ALVIN GRAHAM AND RODNEY ASKIN, doing business as BAKER TRUCKING SERVICE, 16 South Second West, Baker, Mont., seeks temporary authority to lease the operating rights of DONNA IONE JACOBS, doing business as JACOBS TRUCKING SERVICE, 16 South Second West, Baker, Mont., under section 210a(b). The transfer to ALVIN GRAHAM and RODNEY ASKIN, doing business as BAKER TRUCKING SERVICE, is presently pending.

By the Commission.

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

[F.R. Doc. 69-4841; Filed, Apr. 22, 1969; 8:51 a.m.]

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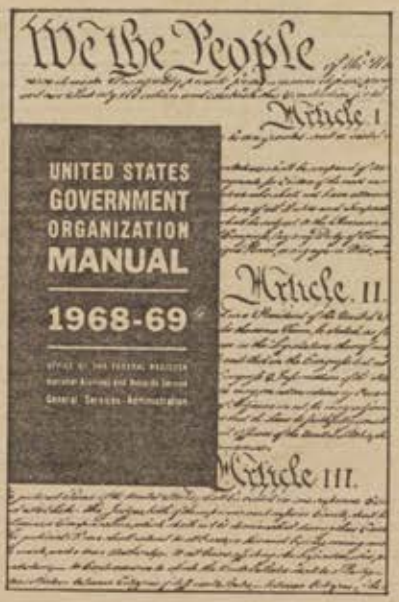

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