Just Released

CODE OF FEDERAL REGULATIONS
(As of January 1, 1969)

Title 7—Agriculture (Parts 53–209) (Revised) ________ $3.00
Title 20—Employees' Benefits (Revised) _______________ 3.50
Title 26—Internal Revenue (Parts 40–169) (Revised) ___ 2.50

[A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402
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## Rules and Regulations

### Title 7—Agriculture

#### Chapter VII—Agricultural Stabilization and Conservation Service

(AGRICULTURAL ADJUSTMENT, DEPARTMENT OF AGRICULTURE)

#### Subchapter E—Farm Marketing Quotas and Acreage Allotments

#### PART 730—RICE

#### Subpart—1969–70 Marketing Year

**Determination of County Normal Yields for 1969 Crop**

The regulations contained in §730.1509 are issued pursuant to end in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, section 301(b)(13), subparagraphs (D) and (F) of the Act provide definitions for county normal yields as follows:

(D) "Normal yield" for any county, in the case of rice, is the 5-year adjusted average yield per acre of rice * * * for the county during the 5 calendar years immediately preceding the year for which such normal yield is determined * * * adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be as follows:

(1) For any annual yield, including an appraised yield, for any year of such 5-year period which is less than 75 percentum of the 5-year (1964–68) average yield, 75 percentum of such average shall be substituted therefor.

(2) For any annual yield, including an appraised yield, for any year of such 5-year period which is in excess of 125 percentum of the 5-year (1964–68) average yield, 125 percentum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by adopting as the county normal yield the simple average of (1) the 1964–68 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the 1967–68 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes.

(E) If on account of drought, flood, insects, plant disease, or other uncontrollable natural causes, the yield for any year of such 5-year period is less than 75 percentum of the average, 75 percentum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such 5-year period is in excess of 125 percentum of the average, 125 percentum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for 1969 and the determination of county normal yields thereunder, public notice (30 F.R. 5588) was given in accordance with 5 U.S.C. 553. No data, views, or recommendations pertaining thereto were submitted pursuant to such notice. Since farmers will be harvesting rice in areas prior to the date that county normal yields would ordinarily become effective (30 days after publication in the Federal Register), it is hereby found that the proclamations and determinations hereon shall become effective upon the date of filing of this document with the Director, Office of the Federal Register. Section 730.1508 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1969 crop of rice determined thereunder.

### § 730.1509 County normal yield for 1969 crop rice

(a) **Regulations.** County normal yields for 1969 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1964 through 1968, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be as follows:

(1) For any annual yield, including an appraised yield, for any year of such 5-year period which is less than 75 percentum of the 5-year (1964–68) average yield, 75 percentum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by adopting as the county normal yield the simple average of (1) the 1964–68 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the 1967–68 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes.

(b) **Statistical data.** Section 301(c) of the Agricultural Adjustment Act of 1938, as amended, provides that "the latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this act." In accordance therewith, the annual yields of rice for counties in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas used in the determination of county normal yields in this section shall be the latest official yields determined by the Statistical Reporting Service of the Department, on the basis of its estimate of the harvested acres and production of rice in applicable counties of those States during each of the years 1964 through 1968, except that if such a yield for any year is not available, an appraised yield shall be used for such year. In the minor rice-producing States of Florida, Illinois, North Carolina, Oklahoma, South Carolina, and Tennessee where no official estimates of rice yields were available, the annual rice yields for the years 1964 through 1968 used in determining the county normal yields in this section for the applicable counties in these States shall be those obtained by special surveys covering all farms producing rice in the counties or the calendar years 1964 through 1968.

### Part 730—Rice

#### Subpart—1969–70 Marketing Year

**County Normal Rice Yields**

<table>
<thead>
<tr>
<th>County</th>
<th>Normal Yield per Harvested Acre</th>
<th>Normal Yield per Harvested Acre</th>
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#### Louisiana (Parishes)

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<th>Normal Yield per Harvested Acre</th>
<th>Normal Yield per Harvested Acre</th>
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<td>County (Pounds)</td>
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Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 1, 1969.

Kenneth E. Fair, Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 69-5544; Filed, May 7, 1969; 8:45 a.m.]
hereof in the Federal Register (5 U.S.C. 553) because the time interval between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges as necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 6, 1969.

(b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 9, 1969, through May 15, 1969, are hereby fixed as follows:

- (i) District 1: 400,000 cartons
- (ii) District 2: 218,000 cartons
- (iii) District 3: 152,000 cartons

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

(Dated: May 7, 1969.

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

[F.R. Doc. 69-6960; Filed, May 7, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 73—SCABIES IN CATTLE

Change in Permitted Dips

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1864, as amended, and sections 1 and 2 of the Act of February 2, 1902, as amended, and sections 1 through 4 of the Act of March 3, 1965, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126) §73.10 of Part 73, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended to read as follows:

PERMITTED DIPS

§ 73.10 Permitted dips; substances allowed.

(a) The dips at present permitted by the Department for the treatment, as required in this part, of cattle affected with or exposed to scabies, are as follows:

1. Lime-sulphur dip, other than proprietary brands thereof, made in the proportion of 12 pounds of unslaked lime (or 16 pounds of commercial hydrated lime, not ashed lime) and 24 pounds of flowers of sulphur or sulphur flour (or equivalent of 12 pounds of proprietary brand of lime-sulphur dip).

2. Dips made from specifically permitted proprietary brand emulsions of toxaphene and maintained throughout the dipping operation at a concentration of not less than 2 percent of "sulphide sulphur", as indicated by the field test for lime-sulphur dipping baths approved by the Division. The dipping bath for toxaphene emulsions must be kept within a temperature range of 40-80°F, and at a concentration between 0.50 and 0.60 percent throughout the dipping operation.

(c) Proprietary brands of lime-sulphur or toxaphene dips may be used in official dipping only after specific permission therefor has been granted by the Director of the Division. Such permission shall be specifically approved as a permitted dip for the eradication of scabies in cattle, the Division will consider, among other things, whether the strength of the bath prepared therefor may be satisfactorily determined in the field by a practical portable testing outfit, and whether, under actual field conditions, the dipping of cattle in a bath of definite strength will be substantially effective at a concentration without injury to the animals dipped.

(Dated: May 7, 1969.

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

[F.R. Doc. 69-6960; Filed, May 7, 1969; 8:48 a.m.]

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Change in Permitted Dips

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1864, as amended, and sections 1 and 2 of the Act of February 2, 1902, as amended, and sections 1 through 4 of the Act of March 3, 1965, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126) §73.10 of Part 73, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended to read as follows:

PERMITTED DIPS

§ 73.10 Permitted dips; substances allowed.

(a) The dips at present permitted by the Department for the treatment, as required in this part, of cattle affected with or exposed to scabies, are as follows:

1. Lime-sulphur dip, other than proprietary brands thereof, made in the proportion of 12 pounds of unslaked lime (or 16 pounds of commercial hydrated lime, not ashed lime) and 24 pounds of flowers of sulphur or sulphur flour (or equivalent of 12 pounds of proprietary brand of lime-sulphur dip).

2. Dips made from specifically permitted proprietary brand emulsions of toxaphene and maintained throughout the dipping operation at a concentration of not less than 2 percent of "sulphide sulphur", as indicated by the field test for lime-sulphur dipping baths approved by the Division. The dipping bath for toxaphene emulsions must be kept within a temperature range of 40-80°F, and at a concentration between 0.50 and 0.60 percent throughout the dipping operation.

(c) Proprietary brands of lime-sulphur or toxaphene dips may be used in official dipping only after specific permission therefor has been granted by the Director of the Division. Such permission shall be specifically approved as a permitted dip for the eradication of scabies in cattle, the Division will consider, among other things, whether the strength of the bath prepared therefor may be satisfactorily determined in the field by a practical portable testing outfit, and whether, under actual field conditions, the dipping of cattle in a bath of definite strength will be substantially effective at a concentration without injury to the animals dipped.
treatment, under Division supervision, of cattle affected with or exposed to scabies. A tolerance for nicotine residue has not been established for nicotine dip under the Federal Food, Drug and Cosmetic Act and little use has been made of such dips in the scabies eradication program. In recent years in review of the availability of other satisfactory dips.

The amendment should be made effective promptly to remove dangers inherent in the use of such baths. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 5th day of May 1969.

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

[F.R. Doc. 69-6629; Filed, May 7, 1969; 8:16 a.m.]

PART 74—SCABIES IN SHEEP

Change in Permitted Dips


Effective date: This amendment shall become effective upon publication in the Federal Register.

The foregoing amendment deletes nicotine dip from the list of dips permitted by the Department for the treatment, under Division supervision, of sheep affected with or exposed to scabies. A tolerance for nicotine residue has not been established for nicotine dip under the Federal Food, Drug, and Cosmetic Act and little use has been made of such dip in sheep scabies eradication programs in recent years in view of the availability of other satisfactory dips.

This amendment should be made effective promptly to remove dangers inherent in the use of such dip. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 5th day of May 1969.

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

[F.R. Doc. 69-6650; Filed, May 7, 1969; 9:21 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SW-20]

PART 72—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke R-3605, New Orleans, La. (Alvin Calender Field), Restricted Area/Military Climb Corridor (RA/MCC).

The Department of the Air Force has informed the Federal Aviation Administration that satisfactory scramble procedures have been developed at NAS New Orleans to replace the RA/MCC procedures, and has requested that the area be revoked. Such action is taken herein.

Since this amendment releases airspace to the public and benefits them thereby, notice and public procedure is unnecessary. However, since it is necessary to allow sufficient time to make the appropriate changes to aeronautical
Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Shoes

§ 15.347 Disclosure of origin of imported shoes.

(a) In response to a request for an advisory opinion, the Commission ruled that it would be necessary for the requesting party to make a clear and conscientious disclosure of the foreign country of origin of its imported shoes.

(b) Under the factual situation present in the ruling, it was assumed that the shoes were entirely of foreign manufacture and after importation they were sold to the general public.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART I—GENERAL PROVISIONS

Customs Field Organization

Port Pierce, Fla., was designated a Customs station in the Customs district of Laredo, Tex. (Region VI), effective April 13, 1969.

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 C—Listing of Color Additives for Food Use Subject to Certification

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

FD&C Blue No. 1

The Commissioner of Food and Drugs, based on a petition filed by the Certified Color Industry Committee, o/o Hazelton Laboratories, Inc., Post Office Box 39, Falls Church, Va. 22046, and other relevant material, found that FD&C Blue No. 1 (identified below) is safe for use in or on foods and drugs 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. 339-403: 21 U.S.C. 376(b), c(1)(d)) and under authority delegated to the Commissioner (21 CFR 1.210): It is ordered, that Part 8 be amended by adding § 8.206 to Subpart C and § 8.4021 to Subpart E, as follows:

§ 8.206 FD&C Blue No. 1.

(a) Identity. (1) The color additive FD&C Blue No. 1 is principally the disodium salt of ethyl(4-[p-(ethyl(m-sulfobenzyl) amino)-o-sulfophenyl) benzyliden]-1,2-cyclohexadien-1-ylidene] (m-sulfobenzyl) ammonium hydroxide inner salt with smaller amounts of the isomeric disodium salts of ethyl(4-[p-(ethyl(m-sulfobenzyl) amino)-o-sulfophenyl) benzyliden]-1,2-cyclohexadien-1-ylidene] (p-sulfobenzyl) ammonium hydroxide inner salt and ethyl(4-[p-(ethyl(o-sulfobenzyl) amino)-o-sulfophenyl) benzyliden]-1,2-cyclohexadien-1-ylidene] (p-sulfobenzyl) ammonium hydroxide inner salt. The color additive is also known as FD&C Blue No. 1 and is contained in the following agencies: Food, Drug, and Cosmetic Act (sec. 706(b), (c)(1), (d), 74 Stat. 339-403: 21 U.S.C. 376(b), (c)(1), (d)) and under authority delegated to the Commissioner (21 CFR 1.210).

(b) Color additive mixtures for food use (including dietary supplements) made with FD&C Blue No. 1 may contain only those diluents that are suitable and that are listed in Subpart D of this part as safe for use in color additive mixtures for coloring foods.
(b) Specifications. FD&C Blue No. 1 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135°C) and chlorides and sulfates (calculated as sodium salts), not more than 18.0 percent.
Water-insoluble matter, not more than 0.2 percent.
Lead (as Pb), not more than 5.0 percent.
Sum of α-, m-, and p-sulfobenzaldheydes, not more than 1.5 percent.
N-ethyl-N-(3-sulfobenzoil) sulfanilic acid, not more than 0.3 percent.
Subsidiary colors, not more than 6.0 percent.
Chromium (as Cr), not more than 80 parts per million.
Arsenic (as As), not more than 3 parts per million.
Lead (as Pb), not more than 10 parts per million.
Total color, not less than 85.0 percent.

(c) Uses and restrictions. FD&C Blue No. 1 may be safely used for coloring foods generally (including dietary supplements) in amounts consistent with good manufacturing practice except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(d) Labeling. The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) Certification. All batches of FD&C Blue No. 1 shall be certified in accordance with regulations in Subpart F of this part as safe for use in food, drugs, and cosmetics. The Commissioner of Food and Drugs, based on a petition filed by the Certified Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 30, Palo Church, Va. 22045, and other relevant material, finds that FD&C Blue No. 1 (identified below) is safe for use in or on foods and drugs under the conditions prescribed in this order and that its certification is necessary for the protection of the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 766(b), (c)(1), (d), 74 Stat. 599-603; 21 U.S.C. 576(b), (c)(1), (d)) and after due deliberation with the Commissioner of Health, Education, and Welfare as delegated to the Commissioner (21 CFR 2.120): It is ordered, That Part 8 be amended by adding § 8.41 to Subpart C and § 8.4102 to Subpart E, as follows:

§ 8.4102 FD&C Red No. 3.

(a) Identity and specifications. (1) The color additive FD&C Red No. 3 shall conform in identity and specifications to the requirements of § 8.242 (a) (1) and (b).

(2) Color additive mixtures for ingested drug use made with FD&C Red No. 3 may contain only those dyes that are listed in Subpart D of this part as safe for use in color additive mixtures for ingested drugs.

(b) Uses and restrictions. FD&C Red No. 3 may be safely used for coloring ingested drugs in amounts consistent with good manufacturing practice.

(c) Labeling. The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(d) Certification. All batches of FD&C Red No. 3 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 a petition for reconsideration with the Commissioner of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20291, written objections thereto. Objections shall show therein 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 petition shall state the issues for the hearing, and such objections shall be in writing and made clearly sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents must be filed in six copies.
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 filings of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the Federal Register.

(Doc. 706 (b), (c) (1), (d)), 74 Stat. 309-489; 21 U.S.C. 376 (b), (c) (1), (d))


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

(P.R. Doc. 68-5474; Filed, May 7, 1969; 8:46 a.m.)

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

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

FD&C YELLOW NO. 5

In the matter of listing FD&C Yellow No. 5 for food use (§ 8.275) and drug use (§ 8.326). An order published in the Federal Register of June 15, 1968 (31 F.R. 8389), stayed the effective date of an order published February 22, 1966 (31 F.R. 8066), listing FD&C Yellow No. 5 as a safe color additive for foods and drugs. Objections were made to the quantitative limits imposed on the use of FD&C Yellow No. 5 both in foods and drugs and to certain portions of the specifications. One objector, the Certificed Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 38, Falls Church, Va. 22046, also objected to the order because it failed to include a section listing FD&C Yellow No. 5 for topically applied drugs and cosmetics.

Consideration has been given to the objections received and the Commissioner of Food and Drugs concludes that the sections listing FD&C Yellow No. 5 for food and drug use should be amended as requested. The Commissioner also concludes that reasonable grounds have not been given for the objection to the order dealing with the listing of FD&C Yellow No. 5 for cosmetic use. In the opinion of the Food and Drug Administration, the pharmacological data used to support dermal safety were and still are inadequate, as is also information about cosmetic use, and the CCC did not state it was prepared to prove otherwise.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (1), (d), 74 Stat. 389-403; 21 U.S.C. 376 (b), (c) (1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120); it is ordered, that §§ 8.275 and 8.4175 be revised to read as follows:

§ 8.275 FD&C Yellow No. 5.

(a) Identity. (1) The color additive FD&C Yellow No. 5 is 5-oxo-l-(p-sulfophenyl)-4-(p-sulfophenylazo)2-pyrazoline-3-carboxylic acid, trisodium salt.

(2) Color additive mixtures for food use made with FD&C Yellow No. 5 shall contain only those dyes that are suitable and that are listed in Subpart D of this part as safe for use in color additive mixtures for coloring foods.

(b) Specifications. FD&C Yellow No. 5 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Volatile matter (at 135° C.) and chlorides and sulfates (calculated as the sodium salts), total not more than 13.0 percent. Water insoluble matter, not more than 0.2 percent.

Phenylhydrazine-p-sulfonic acid, not more than 0.1 percent.

Other uncombined intermediates, not more than 0.2 percent each.

Subsidiary dyes, not more than 1.0 percent.

Lead (as Pb), not more than 10 parts per million.

Arsenate (as As), not more than 5 parts per million.

Total color, not less than 37.0 percent.

(c) Uses and restrictions. FD&C Yellow No. 5 may be safely used for coloring foods (including dietary supplements) generally in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(d) Labeling requirements. The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

§ 8.4175 FD&C Yellow No. 5.

(a) Identity and specifications. (1) The color additive FD&C Yellow No. 5 shall conform in identity and specifications to the requirements of § 8.275. (a) (1) and (b).

(2) Color additive mixtures for ingested drug use made with FD&C Yellow No. 5 may contain only those dyes that are suitable and that are listed in Subpart F of this part as safe for use in color additive mixtures for coloring ingested drugs.

Uses and restrictions. FD&C Yellow No. 5 may be safely used for coloring ingested drugs generally in amounts consistent with good manufacturing practice.

(e) Labeling requirements. The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(f) Certification. All batches of FD&C Yellow No. 5 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 a petition with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue, SW., Washington, D.C. 20201, for 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. 316 (d), (e) (1), (d))


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

(P.R. Doc. 68-5474; Filed, May 7, 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

SYNTHETIC PARAFFIN AND SUCCINIC DERIVATIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2347) filed by Petrolite Corp., Bareco Division, 6910 East 14th Street, Tulsa, Okla. 74115, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of a synthetic wax, described below, as a protective coating or component of protective coatings for certain fresh fruits and vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1229 Synthetic paraffin and succinic derivatives

Synthetic paraffin and succinic derivatives identified in this section may be safely used as a component of food, subject to the following restrictions:

(a) The additive is prepared with 50 percent Fischer-Tropsch process synthetic paraffin, meeting the definition and specifications of § 121.1695, and 50
percent of such synthetic paraffin to which is bonded succinic anhydride and succinic acid derivatives of isopropyl alcohol, polyethylene glycol, and polypropylene glycol. It consists of a mixture of the Fischer-Tropsch process paraffin (alkane), alkyl succinic anhydride, alkyl succinic anhydride isopropyl half ester, dialkyl succinic anhydride polyethylene glycol half ester, and dialkyl succinic anhydride polyethylene glycol half ester, where the alkane (alkyl) has a chain length of 30–70 carbon atoms and the polyethylene and polypropylene glycols have molecular weights of 600 and 260, respectively.

(b) The additive meets the following specifications: Molecular weight, 880–530; melting point, 215–217°F; acid number, 43–47; and saponification number, 75–78.

(c) It is used or intended for use as a protective coating or component of protective coatings for fresh grapefruit, lemons, limes, muskmelons, oranges, sweet potatoes, and tangerines.

(d) It is used in an amount not to exceed that required to produce the intended effect.

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 Justice, a written objection thereto, preferably in quintuplicate, with a memorandum or brief in support thereof, specifying with particularity the issues for the hearing. A hearing will be granted if the objections are supported by grounds listed in paragraph (a) of this section, is hereby prescribed for taxable periods beginning before July 1, 1969:

§ 41.4482(b)(1) Definition of taxable gross weight.

- (a) Schedule of taxable gross weights for periods before July 1, 1969. The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning before July 1, 1969:

- (b) Schedule of taxable gross weights for periods after June 30, 1969. The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning on or after July 1, 1969.

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


J. K. KIRK,
Assistant Commissioner
for Compliance.

[F.R. Doc. 69-5476; Filed, May 7, 1969; 1:46 p.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Schedule of Taxable Gross Weights

On April 8, 1969, notice of proposed rule making with respect to the amend-

ment of the Miscellaneous Excise Tax Regulations (28 CFR Part 41) under section 4482(b) of the Internal Revenue Code of 1954, relating to the schedule of taxable gross weights, was published in the Federal Register (34 FR 5243). After all such relevant matters as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

RANDOLPH W. THROWN,
Commissioner of Internal Revenue.

Approved: May 2, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to revise the schedule of taxable gross weights prescribed under section 4482(b) of the Internal Revenue Code, the following amendment to 26 CFR Part 41 is made:

EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Section 41.4482(b)(1) — is amended by revising so much of paragraph (c) as precedes the use tax schedule, and by adding a new paragraph (d), to read as follows:

§ 41.4482(b)(1) — Definition of taxable gross weight.

- (a) Schedule of taxable gross weights for periods before July 1, 1969. The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning before July 1, 1969:

- (b) Schedule of taxable gross weights for periods after June 30, 1969. The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning on or after July 1, 1969.

- (c) Schedule of taxable gross weights for periods after June 30, 1969. The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning on or after July 1, 1969.
M-11A—COPPER AND COPPER-BASE ALLOYS

Domestic Refined Copper Set-Aside

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects Direction 2 to BDSA Order M-11A of February 25, 1969, by changing the reserved portion of production, as set forth in section 8 of that direction, from 16 percent to 19 percent.

Section 8 of Direction 2 to BDSA Order M-11A of February 25, 1969, is hereby amended to read as follows:

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least 19 percent of his average monthly production of domestic refined copper (as defined in sec. 2 (a) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: Provided, however, that DX rated orders must be accepted in accordance with the provisions contained in sec. 6 (2) and (5) above.


This amendment shall become effective May 8, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION, FORREST D. HOCKERSMITH, Acting Administrator.

[F.R. Doc. 69-5553; Filed, May 7, 1969; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER A—POST OFFICE SERVICES, DOMESTIC

PART 127—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Miscellaneous Amendments

The regulations in Part 127 are amended to correct a reference, and to remove the general prohibition against the sending of firearms of all types to military post offices overseas. In the tabular data in § 127.2 a footnot relating to the prohibition of firearms to certain military post offices is added; and the tabular data is updated.
I. In §127.1 Preparation and handling
(33 F.R. 18441), make the following
changes:
1. In paragraph (e)(4) the reference
to subparagraph (1)” should read “sub-
paragraph (2)”.

Note: The corresponding Postal Manual
section is 127.164.

2. In paragraph (f)(1) amend subdi-
vision (iv) to read as follows:

General prohibitions. (1) * * *(iv)
Explosives and ammunition.

Note: The corresponding Postal Manual
section is 127.161d.

3. Under paragraph (f) add new sub-
paragraph (3) reading as follows:

The corresponding Postal Manual
section is 127.163.

II. In §127.2 Conditions prescribed
by the Defense Department applicable
to mail addressed to certain military post
offices overseas, makes the following
changes:
1. Footnote F at the end of the tabu-
lar data is reestablished, reading as
follows:

Mail of all classes may not contain
explosives or ammunition.

2. Amend the tabular data (except the
footnotes at the end of the data) to read as:

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FEDERAL REGISTER, VOL. 34, NO. 88—THURSDAY, MAY 8, 1969
and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor.

(2) Effective date. This amendment shall become effective on the date of its publication in the Federal Register.

Signed at Washington, D.C., this 5th day of May 1969.

ROBERT D. MOGAN, Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-5521; Filed, May 7, 1969; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS [S.O. 1025]

PART 1033—CAR SERVICE

Regulations for Return of Covered Hopper Cars

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 24th day of May 1969.

It appearing, that an acute shortage of covered hopper cars exists in all sections of the country; that shippers are being deprived of covered hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, thus creating great economic loss and reduced employment of their personnel; that covered hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of covered hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1025 Regulations for return of covered hopper cars.

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

(1) Covered hopper cars, in interline service (including intraterminal switch movements) after being unloaded shall be returned to the originating line via reverse of service route, billed on standard form waybills without charges, except as provided in subparagraph (3) of this paragraph:

(2) When a covered hopper car is released after handling on switching waybills which do not show the origin or complete reverse route, such car shall be returned empty to the line from which it was released, or the reverse movement as required by subparagraph (1) of this paragraph.

(3) Exception. Empty covered hopper cars will be sent to other points upon instruction of the car owner, or written, or orally, confirmed in writing. Such instruction shall include name of station to which the car is to be sent and necessary routing authority.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any covered hopper car offered for movement contrary to the provisions of paragraph (a) of this section.

(c) The term covered hopper cars as used in this order means freight cars having a mechanical designation "LO" in the Official Railway Equipment Register, ICC R.E.R. No. 371 issued by E. J. McFarland, or successive issues thereof.

(Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) Effective date: This order shall become effective at 12:01 a.m., May 6, 1969.

(f) Expiration date: The provisions of this order shall expire at 11:59 p.m., June 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Trace, 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended, 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10), 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended, 49 U.S.C. 1(10-17), 104(1), and 17(2))

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

By the Commission, Railroad Service Board.

H. NEIL GARNER, Secretary.
Proposed Rule Making

DEPARTMENT OF THE TREASURY
Fiscal Service
[31 CFR Part 306]
UNITED STATES SECURITIES
Book-Entry Procedure
Correction

In F.R. Doc. 69-4950 appearing at page 6030, in the issue for Friday, April 25, 1969, § 306.115(c) should read as follows:

(c) "Definitive Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, bill issued under the Second Liberty Bond Act, as amended, in engraved or printed form.

DEPARTMENT OF AGRICULTURE
Consumer and Marketing Service
[7 CFR Part 912]
[Docket No. AO-338-A]
GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA
Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Amended Marketing Agreement and Order Regulating the Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 91, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "Act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the recommended decision in the Federal Register. Exceptions should be filed in quadruplicate. All such communications 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 Public hearing, on the record of which the proposed amendment of the order is formulated, was held pursuant to the Consumer and Marketing Service. As a result of proposals submitted by the Indian River Grapefruit Committee, the administrative agency established pursuant to the amended marketing agreement and order. A notice that such public hearing would be held in the Community Building, 21st Street and 14th Avenue, Vero Beach, Fla., was published in the Federal Register on January 28, 1969 (34 F.R. 1253).

Material issues. The material issues presented on the record of the hearing involved amendatory action relating to:

1. Providing a method for computing the prorate bases for handlers based on total shipments within a representative period.
2. Revising the overshipment provisions to permit handlers to overship to an accumulated total of 500 boxes, or any amount up to 1,000 boxes, if the Secretary so orders by appropriate rules and regulations.
3. Revising the allotment loan provisions to provide that, in addition to permitting loaning of allotment, handlers may transfer all or part of the allotment.
4. Making conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the material and in the record thereof, are as follows:

1. The order should be amended to authorize a new method for computing the prorate base for handlers. The new method should be such that the prorate base for each handler be based on the total shipments made by the handler during a representative period. Currently, the order authorizes, for handlers who have made shipments in the immediately preceding season, that the amounts which each such handler may handle shall be based upon his shipments within the representative period. For those handlers who made no shipments during the immediately preceding season, the order authorizes the calculation of the prorate base for such handler to be based on his prior shipments, if any, grapefruit under contract, trade outlets, and other factors which, in the judgment of the committee, are relevant and proper to be used in arriving at an equitable prorate base for such handler.

The Agricultural Marketing Agreement Act of 1937, as amended, specifies the allotment of the amount which each handler may market shall be based upon the amounts which each such handler has available for current shipment, or upon the amounts shipped by each such handler in such prior period as the Secretary determines to be representative, or both.

It would not be appropriate or equitable at the present time to use amounts which each handler had available for current shipment as the basis for computing the prorate bases for all handlers of Indian River grapefruit. Cash buyers who purchase grapefruit throughout the season have no method for determining which handlers have a substantial quantity of grapefruit not under the control of handlers at the start of the season. In this case, a current prorate base in the industry at the present time. Likewise, it would be inappropriate to use a combination of current availability and past shipments for all handlers for the same reasons. Thus, prior shipments of that handler would be used instead. The new method used prior shipments exclusively as the basis for determination of the prorate base.

Currently, the representative period is the three immediately preceding seasons. The past three seasons should be retained in the representative period because such period has proved to be satisfactory. The elapsed weeks of the current season should be added to the past three seasons to form the representative period. The addition of the elapsed weeks of the current season will include shipments made by all handlers during the then current season. Thus, shipments made by all of the handlers from the beginning of the representative period to date will be included in the total used for determining the prorate base of handlers.

Only those shipments that have been made in the immediately preceding seasons should be included in the total used for calculation of the prorate base for handlers. There are handlers who have shipped previously but did not ship during each of the three seasons of the current season. Likewise, the order would not be appropriate or equitable at the present time. A catastrophe or other event that would make current availability inappropriate for use in computing the prorate base. Therefore, it would be inappropriate to use a combination of current availability and past shipments for all handlers for the same reasons. Thus, prior shipments of that handler would be used instead. The new method used prior shipments exclusively as the basis for determination of the prorate base.

Thus, shipments made by all of the handlers from the beginning of the representative period to date will be included in the total used for determining the prorate base of handlers.
making any grapefruit shipments during a season, it would not be equitable or appropriate to use shipments made within any of the marketing seasons prior to the one during which he made no shipments because such prior shipments would not likely reflect his relative position with respect to all handlers.

The order should specify the new method to be used in computing a prorate base for handlers. Such method should provide that the computation be made by adding together the handler's shipments during the same period in each of the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. Such a uniform rule, which would be applicable to all handlers, and based upon the amounts handled by the handler in the “prior period” as provided in the act.

The term “season” should mean that portion of a fiscal period which covers all the full weeks in such period. This would provide an appropriate number in determining the divisor for use in computing the prorate bases. It would not be feasible to use 52 weeks of the fiscal period because even though such period begins on August 1 of each year such date does not always coincide with Monday, the beginning day used for weekly shipping records by the industry. Shipments made during the week which comprises the ending days of one fiscal period and the beginning days of the following fiscal period are not identified, as hereinafter explained, as to the particular day on which made. Therefore, such shipments should be excluded.

The current season should mean the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation, except that whenever the official shipping records of the handlers for the entire season are not maintained, the official shipping records of the handlers through the third full week preceding the week of regulation, the current season shall extend through such third week.

It is desirable to use the term “full week” instead of “full calendar week” because the “calendar week” begins on Sunday and extends through Saturday and the “full week” begins on Monday through Sunday basis. The use of the term “full week” would make the weekly period coincide with the period used for keeping records within the industry.

The official records of shipments of handlers are provided to the committee by the Federal-State Inspection Service. Shipments are tabulated by said service after the completion of the weekly shipping period without reference to the particular day of the week the shipments are in fact made. When the tabulation has been completed, the report is furnished to the committee. The evidence of record shows that, on the basis of past performance, the information concerning handlers' shipments through the third full week preceding the week of regulation will generally be available when the committee meets to consider the need for such regulation. It is not possible, at the present time, to define the term “current season” so as to include in each instance shipments of said third week as there have been occasions, and may continue to be occasions, when the information concerning handlers' shipments exists beyond the third full week preceding the week of regulation.

It is important for the committee to have a record of the latest shipments of handlers for inclusion in the calculation of the prorate bases. Often the shipments made early in the season are of small volume due to lack of maturity, small size fruit, or for other reasons. Later shipments are often in larger quantities due to larger size and maturity, and the demand for such fruit may improve. Since the prorate base is to be computed each week, when volume regulation is likely to be more effective and feasible and in keeping with the desires of the industry, to include all the shipments of record that have been made during the current season. Thus, it would not be appropriate to provide in the order that the committee be furnished with shipments made 1 week later was available to the committee. Accordingly, the prorate base computation, and the terms “representative period,” “season,” and “current season” should be on the basis as hereinafter discussed and as hereinafter set forth.

2. The provisions of the order relating to overshipments should be amended as hereinbefore discussed to provide greater flexibility. Currently, order provisions permit the overshipment of an amount equivalent to 10 percent of the total allotment or 500 boxes, whichever is greater. It is recommended that handlers generally use the 500 box overshipment. A handler may overship one box or the entire 500 boxes during the week. However, when he overships, he must repay the overshipment from the allotments issued to him for the next week and, when required, for successive weeks. The order should be amended to permit handlers to make successive overshipments until the total of such overshipments reaches 500 boxes. The subsequent weekly allotments issued to the handler would then be used to repay his overshipments. The committee should recommend that the handler does not make any shipments of grapefruit during a weekly period for which an allotment was issued to him, the entire allotment should be used to overship, to the extent that sufficient for permitted overshipment by such handler during the immediately preceding week or weeks of continuous regulation.

The evidence of record establishes that such a change should be made effective, insofar as possible, at the start of each fiscal period and continue to be effective, insofar as possible, at the start of each succeeding fiscal period. The committee determines that the increase to 1,000 boxes is then too large an amount to be permitted to be continued for overshipment. For example, the 1,000 box overshipment was causing a greater aggregate quantity of grapefruit to be shipped than could be marketed during the current season. The Secretary, on the basis of a committee recommendation or other available information, should be authorized by the order to prescribe such lesser amount as may be necessary, in the circumstances, as for example, 750 boxes or the original 500 boxes, instead of 1,000 boxes.

Thus, it is concluded that the order should be amended as hereinafter set forth on the basis hereinafter discussed.

3. The provisions of the order dealing with allotment loans should be amended similarly to provide greater flexibility. Currently, the order permits allotments to be loaned. Each such loan, prior to its consummation, shall be approved by the committee. The committee, prior to approval, shall be provided information by each party concerning the loan, including the date of repayment. There are a number of handlers of Indian River grapefruit who receive allotments during each week of regulation, who may decide to desire to ship a quantity of grapefruit in excess of the allotment plus permitted overshipment. To do so...
the handler would have to borrow allot­
ment from another handler. Because of
the small quantity involved or for other
reasons, the lending handler may not
have to repay the loan. Thus, an
agreed repayment date late in the
section is immaterial. Therefore, if an
order date is immaterial, it is reasonable to believe the loan
will not be repaid because in all prob­
ability at that date neither handler may
have any fruit to ship or there may be no
regulation in effect requiring allot­
ments for shipments.

The provisions for loans of allot­
tment should be retained in the order because such provisions are needed. There should
be included in the order authority for
the recipient to transfer the order of the allot­
tment from one person to another. Each party to the trans­
sfer should be required to notify the commu­
ity promptly so that proper entries on the record may be made. The prompt
notification of the committee is impor­
tant in the administration of the pro­
grame. Particular importance is placed
on the inclusion of authority for the transfer of allot­
tment from one person to another from
not interfere with the operation of the loaning of allot­
tment. The two provisions are not preferable. With regard to the order of the transfer provisions,
it is anticipated that those persons
desiring to have loans repaid will use
the loan provisions while those not desiring repayment of the allot­
tment will use the transfer provisions. Thus, it is con­
cluded that the order should be amended to authorize the transfer of allot­
tment and to persons to whom allot­
tments have been issued.

4. The amendment heretofore recom­
ended will make necessary certain con­
forming changes in §§ 912.46 and 912.47.
In these sections reference is made to the first “full calendar week.” The word
“calendar” should be deleted so that the reference will be to the first “full week” and
such will refer to the same 7-day period as “full week” as used in revised
§ 912.48(d).

Rulings on proposed findings and con­
cclusions. April 7, 1969, was fixed as the
latest date for interested parties to file
proposed findings and conclusions, and
written arguments or briefs, with respect to
the facts presented in evidence at the
hearing.

A brief was filed by Charles E. Davis
of Fishback, Davis, Dominic, Troutman
Inc., Orlando, Fla., attorneys for and on be­
half of Schwyler World Famous Citrus,
Inc.

Each point in the brief was fully and
carefully considered, along with the evi­
dence in the record, in making the find­
ings and reaching the conclusions herein set forth. To the extent that any sug­
gested findings or conclusions contained
in the brief are inconsistent with the
findings and conclusions contained here­
in, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(a) The marketing agreement as amended and 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 marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of grapefruit grown in the Indian River District in Florida for the 1969-1970 season, and are applicable only to persons in the respec­
tive classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(c) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the small­
est regional production area which is practicable, consistently with carrying out the declared policy of the act, and the use of such area was necessary to make the order of the transfer provisions effective. Thus, it is con­
cluded that the order should be amended to authorize the transfer of allot­
tment and to persons to whom allot­
tments have been issued.

5. Section 912.48 Prorate bases.

(d) Each week during the marketing season when volume regulation is likely
being recommended for the following week, the committee shall compute a
prorate base for each handler who has
made application in accordance with the
provisions of this section. The prorate
base shall be determined by computing
by adding together the handler’s shipments of grapefruit in the current
season and his shipments in the immedi­
ately preceding seasons, if any, within
the representative period, or the season
in which the handler would have
received an allotment, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may over­
ship when regulations are in effect, any portion of such 500 boxes or any other amount set by the
Secretary until the accumulated over­
shipments reach the applicable maximum number of boxes permitted to be over­
shipped. The quantity of grapefruit, so
overshipped when regulations are in ef­
fect shall be deducted from such person’s allot­
tment for the week following the one
in which the total permitted overship­
ments reached or exceeded one percent of such person’s allot­
tment because of previous overship­
ments issued to such person until such excess has been entirely offset: Provided, That
any time there is no volume regu­
lation in effect it shall be deemed to
cancel all requirements to undership allot­
tments because of previous overship­
ments pursuant to this part.

6. Section 912.52 Allotment loans

(a) A person to whom allot­
tments have been issued may lend or transfer all or part of such allot­
tment to another such person.

(b) In connection with a loan of allot­
tment, each party to any such loan agree­
ment shall, prior to completion of the
agreement, notify the committee of the
prorate loan and the date of repayment.

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and obtain the committee’s approval of the agreement.

(2) In connection with the transfer of allotment, each party shall promptly notify the committee so that proper adjustments of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

Dated: May 2, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[7 CFR Part 1006]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

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

The provisions proposed to be suspended are in § 1006.16(b), and are as follows:

1. The language in the introductory text which reads “in any month in which not less than 10 percent of the production of the producer whose milk is diverted is physically received at a pool plant”; and

2. Subparagraphs (2), (3), and (4) in their entirety.

The proposed suspension would permit unlimited diversion of producer milk to nonpool plants from May through August 1969. Presently, the order limits the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The percentage limitation on the diversion of its producer milk is applied to the operator of a pool plant. Also, the order now requires that at least 10 days’ production of an individual producer be delivered to a pool plant if diversion of his milk is to be permitted on other days of the month.

The proposed suspension is consistent of the value of donated land, labor, materials, or equipment, or of the donor inadvertently or unknowingly failed to state in the project application, as required, that an estimated cost consisted of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta, Georgia, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20063, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment.

Issued in East Point, Ga., on April 28, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[7 CFR Part 1006]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-39]

PROPOSED DESIGNATION

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Walterboro Municipal Airport.

The proposed transition area is required for the protection of IFR operations at Walterboro Municipal Airport in climb from 700 to 1,400 feet and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Walterboro Municipal Airport is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1447(a)) and of section 8(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in East Point, Ga., on April 28, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[14 CFR Part 103]

LOADING AND TRANSPORTING POISONS, CLASS A OR B WITH FOODSTUFFS

Proposed Restrictions

Cross Reference: For a document regarding proposed amendments concerning restrictions against loading and transporting certain poisons with foodstuffs, see F.R. Doc. 69-5522, Hazardous Materials Regulations Board, 49 CFR Parts 174, 175, 177, infra.

[14 CFR Part 151]

ALLOWABLE PROJECT COSTS FOR DONATED AND CERTAIN OTHER ITEMS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 151 of the Federal Aviation Regulations to provide for the appraisal of project costs in certain cases after the grant agreement is executed, and downward adjustment of the U.S. share thereof where appropriate. This procedure would be used where the sponsor inadvertently or unknowingly failed to state in the project application, as required, that an estimated cost consisted of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24,
costs would be made to reflect any de­

The last sentence of § 151.23 of the Federal Aviation Regulations states that if any part of the estimated project costs consis­
t of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land ac­quired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain pro­ceedings, the sponsor must so state in the application, indicating the nature of the donation or other transaction and the value it places on it. However, there are instances in which a grant agreement has been entered into where the sponsor has failed to observe this requirement, through inadvertence or because it did not know that it would be demanded at the time of the project application.

The proposed changes would establish a specific procedure (similar to that in § 151.27 used before the grant agree­ment, for use after the grant agreement is entered into but before final grant payment is made, that would provide an appraisal procedure applicable to each of the items in question. A downward ad­justment in the U.S. share of the project costs would be made to reflect any decrease in value of the item below the value stated in the project application. This proposed procedure is not the actual cost or the amount of the allowable project costs is made by the Federal Aviation Regulations states that if any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, the sponsor must so state in the application, indicating the nature of the donation or other transaction and the value it places on it. However, there are instances in which a grant agreement has been entered into where the sponsor has failed to observe this requirement, through inadvertence or because it did not know that it would be demanded at the time of the project application.

The Hazardous Materials Regulations Board is considering amending Parts 174, 175, and 177 of Title 49 of the Code of Federal Regulations, section 6(e) of the Department of Transportation Act of 1965 (49 U.S.C. 1651(c)), and § 1.40(b) of the regulations of the Office of the Sec­

The Hazardous Materials Regulations Board is considering amending Parts 174, 175, and 177 of Title 49 of the Code of Federal Regulations, section 6(e) of the Department of Transportation Act of 1965 (49 U.S.C. 1651(c)), and § 1.40(b) of the regulations of the Office of the Sec­

1. By striking out the third sentence of § 151.23.
2. By inserting a new § 151.24 follow­ing § 151.23 to read as follows:

§ 151.24 Procedures: application; in­
formation on estimated project costs.

(a) If any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, the sponsor must so state in the application, indicating the nature of the donation or other trans­action and the value it places on it.

(b) If, after the grant agreement is executed and before the final payment of the allowable project costs is made under § 151.63 of this part, it appears that the sponsor inadvertently or un­knowingly failed to comply with para­graph (a) of this section as to any item, the Administrator:

(1) Makes or obtains an appraisal of the item, and if the appraised value is less than the value placed on the item in the project application, notifies the sponsor that it may, within a stated time, ask in writing for reconsideration of the appraisal and submit statements of pertinent facts and opinion; and

(2) Adjusts in the U.S. share of the proj­

The Hazardous Materials Regulations Board is considering amending Parts 174, 175, and 177 of Title 49 of the Code of Federal Regulations, section 6(e) of the Department of Transportation Act of 1965 (49 U.S.C. 1651(c)), and § 1.40(b) of the regulations of the Office of the Sec­

Issued in Washington, D.C., on April

Hazardous Materials Regulations Board

(49 CFR Parts 174, 175, 177)

[Docket No. HM-4; Notice No. 69-12]

LOADING AND TRANSPORTING POISONS, CLASS A OR B WITH FOODSTUFFS

Proposed Restrictions

The Hazardous Materials Regulations Board is considering amending Parts 174, 175, and 177 of Title 49 and Part 103 of the Hazardous Materials Regulations (1) to clarify a previous amendment (Amendment 67-1) concerning the carriage of poisons and foodstuffs and (2) to propose further amendments to the current loading and carriage require­ments. An advance notice of proposed rule making will soon be published which will request public advice on the reasons for leakage of packages, the resulting safety hazards, and appropriate regu­latory action.

Interested persons are invited to par­ticipate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket and number and be sub­mitted in duplicate to the Secretary, Hazardous Materials Regulations Board, 400 Sixth Street SW., Washington, D.C. 20580. Communications received on or before June 10, 1969, will be considered before final action is taken up 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.

Amendment 67-1 was issued on De­cember 21, 1967 (32 F.R. 20982, 12-28–

both before and after the closing date for comments.
of isolated cargo compartments with no reasonable way for materials to leak from one compartment to another. Therefore, it is unreasonable to require inspection of an entire aircraft in every case.

In consideration of the foregoing, it is proposed to amend Parts 174, 175, 177, and 103 of the Department's Hazardous Materials Regulations as provided for herein. This proposal is made under the authority of sections 631-836 of title 49, United States Code; section 6 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 May 5, 1969.

P. C. Tynker, Administrator, Federal Highway Administration.

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

Sam Schneider, Board Member, for the Federal Aviation Administration.

I. Part 174 would be amended as follows:

A. By amending paragraph (m) in §174.532 to read as follows:

§174.532 Loading other dangerous articles.

(m) Material marked as or known to be poison, class A or B, must not be transported in the same car with material which is marked as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals.

B. By amending subparagraph (a)(1) in §174.566 to read as follows:

§174.566 Cleaning cars.

(a) A car which has been used to transport material marked as or known to be poison, class A or B, must be inspected for contamination before reuse. A car which has been contaminated must not be returned to service until such contamination has been removed. This subparagraph does not apply to vehicles used solely for transporting such poison so long as they are used in that service.

II. Part 175 would be amended as follows:

A. By amending paragraphs (k) and (l) in §175.655 to read as follows:

§175.655 Protection of packages.

(k) Material marked as or known to be poison, class A or B, must not be transported in the same car with material which is marked as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals.

(l) A car which has been used to transport material marked as or known to be poison, class A or B, must be inspected for contamination and must not be returned to service until such contamination has been removed.

III. Part 177 would be amended as follows:

A. By amending paragraph (e) in §177.841 to read as follows:

§177.841 Poisons.

(e) Material marked as or known to be poison, class A or B, must not be transported in the same vehicle with material which is marked as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals.

B. By amending subparagraph (a)(1) in §177.860 to read as follows:

§177.860 Accidents or leakage; poisons.

(a) * * *

(1) Leakage. A vehicle which has been used to transport material marked as or known to be poison, class A or B, must be inspected for contamination before reuse. A vehicle which has been contaminated must not be returned to service until such contamination has been removed. This subparagraph does not apply to vehicles used solely for transporting such poison so long as they are used in that service.

* * * *

IV. Part 103 of Title 14 would be amended as follows:

A. By amending §103.35 in its entirety to read as follows:

§103.35 Special requirements for poisons.

(a) No operator of an aircraft may carry material marked as or known to be poison, class A or B, in the same cargo compartment of an aircraft with material which is marked as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals.

(b) No person may operate an aircraft that has been used to transport material marked as or known to be poison, class A or B, unless, upon removal of such poisonous material, the compartment in which it was carried is inspected for leakage, spillage, or other contamination. All contamination discovered must be either isolated or removed from the aircraft. The operation of an aircraft contaminated with such poisons is considered to be the carriage of poisonous materials under paragraph (a) of this section.

[F.R. Doc. 69-5522; Filed, May 7, 1969; 8:50 a.m.]

The Hazardous Materials Regulations Board has received two petitions requesting a relaxation of the present restriction on the number of vehicles in the same combination. The Hazardous Materials Regulations presently provides in part as follows:

No class A explosive may be loaded into or transported on any vehicle in any combination of vehicles if any vehicle in the same combination carries a poison, any other explosive or other article which may not be loaded or stored with explosives class A under the provisions of §177.848.

Section 177.848 contains a chart which indicates that a number of hazardous materials are prohibited from being loaded or transported in the same vehicle with class A explosives.

The Hazardous Materials Regulations Board is considering amending §177.835 as follows:

The Hazardous Materials Regulations Board is considering amending §177.835 as follows:

Explosives. * * *

[a] Explosives on vehicles in combination. Class A explosives may not be transported in another vehicle of the same combination.

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. 20550. Communications received on or before June 10, 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.

Section 177.835(c)(1) of the Hazardous Materials Regulations presently provides in part as follows:

No class A explosive may be loaded into or transported on any vehicle in any combination of vehicles if any vehicle in the same combination contains any explosive or other article which may not be loaded or stored with explosives class A under the provisions of §177.848.

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PROPOSED RULE MAKING

Disclosure of Credit Terms in Margin Transactions

Notice of Proposed Rule Making

The Securities and Exchange Commission announced that it has released for comment a rule under section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") which would require brokers who extend credit to customers to finance securities transactions to furnish specified information with respect to the amount of and reasons for the credit charges.

The proposal is made under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation Act of 1966 (15 U.S.C. 260-267), section 6(c)(5) of the Department of Transportation Act (49 U.S.C. 1053(c)(5)), and Appendix A to Part 5 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 5).

Issued in Washington, D.C., on May 2, 1969.

R. TENNEY JOHNSON, Acting General Counsel.

[FER Doc. 60-5501; Filed, May 7, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION
[17 CFR Part 240]

Notice of Proposed Rule Making

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Issued in Washington, D.C., on May 2, 1969.

R. TENNEY JOHNSON, Acting General Counsel.

[FER Doc. 60-5501; Filed, May 7, 1969; 8:48 a.m.]

DISCLOSURE OF CREDIT TERMS IN MARGIN TRANSACTIONS

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Issued in Washington, D.C., on May 2, 1969.

R. TENNEY JOHNSON, Acting General Counsel.

[FER Doc. 60-5501; Filed, May 7, 1969; 8:48 a.m.]

FEDERAL REGISTER, VOL. 34, NO. 88—THURSDAY, MAY 8, 1969
cost of credit and to understand the computations involved.

PROPOSED RULE MAKING

10b-16 (17 CFR 240.10b-16). Initial Disclosure Requirements:
The stated purpose of the Truth in Lending Act is "to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit." At present the standard form of customer's agreement, which many firms require margin customers to execute, generally includes only the following disclosure: "Debit balances of the account of the undersigned shall be computed more than once during the period. Where the interest rate remains the same but the interest is computed more than once during the period, a specific statement is required by law. Pursuant to the Securities Exchange Act of 1934, particularly sections 10(b) and 23(a), the Commission proposes to amend Part 240 of Chapter II Title 17 of the Code of Federal Regulations by adding thereto a new section 240.10b-16. The text of the new sections will read as follows:

§ 240.10b-16 Disclosure of credit terms in margin transactions.

(a) It shall be unlawful for any broker or dealer to charge, directly or indirectly, to any customer in connection with any securities transaction unless such broker or dealer has established adequate procedures pursuant to which each customer to whom credit is extended or is to be extended will receive the following:

1. An initial written statement at the time of opening the account (or within 90 days after the effective date of this section, in any case in which credit is being extended at that time), disclosing:
   The conditions under which an interest charge will be imposed and the initial annual rate of interest to be charged; if this rate of interest is subject to change without prior notice, the specific conditions under which it may be so changed; and the debit balance on which interest is to be charged (if no credit is to be given for credit balances in cash accounts, this should be stated); and the nature of any interest or lien retained by the broker-dealer in the security or other property held as collateral by the broker-dealer; the conditions under which additional collateral may be required; and any statement, at least quarterly, for each account in which credit was extended, showing the following:
   The balance at the beginning of the period, the date and amount of each debit and credit charge, and the debit balance or balances on which interest is to be charged, if any, to be imposed, and the conditions under which it will be imposed; the nature of any interest or lien retained by the broker-dealer; and the debit balance or balances on which interest is to be charged, if any.

(b) It shall be unlawful for any broker or dealer to make any changes in the terms and conditions under which credit will be made, unless the changes are made in accordance with the specific terms previously disclosed to the customer in the initial statement made under paragraph (a)(1) of this section), the customer shall have been given not less than thirty (30) days written notice of such changes, except that no such prior notice shall be necessary where such changes are required by law.

All interested persons are invited to submit their views and comments on the Commission's proposed rule to the Securities and Exchange Commission, Washington, D.C. 20549, on or before June 1, 1969. All comments will be available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

FEDERAL REGISTER, VOL. 34, NO. 86—THURSDAY, MAY 8, 1969
DEPARTMENT OF THE TREASURY
Comptroller of the Currency
INSURED BANKS
Joint Call for Report of Condition
CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-5480, Federal Deposit Insurance Corporation, inter/a.

Office of the Secretary
CONCORD GRAPES FROM CANADA
Determination of Sales at Less Than Fair Value
APRIL 29, 1969.
Information was received on September 18, 1967, that Concord grapes from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).
A. "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the Federal Register of October 25, 1967.
After consideration of all information received and views and argument presented, I hereby determine that for the reasons stated below Concord grapes from Canada are being, or likely, to be, sold at less than fair value within the meaning of section 201(a) of the Act.
Statement of reasons on which this determination is based: Importations to the United States were pursuant to arm's-length transactions between firms not related within the meaning of section 207 of the Antidumping Act. Since two types of producers market the subject merchandise in Canada, producers selling to licensed processors under the Farm Products Marketing Act, and producers who sell on the open market, purchase price was compared with the applicable adjusted home market price for identical or similar merchandise, as appropriate.
Calculation of the adjusted home market price of both identical and similar merchandise was made on the basis of the delivered price to processors. With respect to similar merchandise, adjustment was made for a cost factor for rejected loads incurred in sales in Canada but not on sales to the United States. With respect to identical merchandise, in addition to the adjustment for rejected merchandise, allowance was also made for differences in the cost of producing the similar merchandise in Canada as compared with the cost of producing the merchandise exported to the United States.
Purchase price was computed on the basis of the f.o.b. United States destination per ton price, from which the applicable included United States duty was deducted.
This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).
[SEAL] EUGENE T. ROSSIPS
Assistant Secretary of the Treasury.
[F.R. Doc. 69-5528; Filed, May 7, 1969; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Notice of Loan Application
LOUIS BUFALO
MAY 2, 1969.
Louis Bufalo, 4200 Central Avenue, Sea Isle City, N.J. 08243, has applied for a loan from the Fisheries Loan Fund to assist in financing the construction of a new 55-foot length over-all wood vessel to engage in the fishery for whiting, cod, flounders, pony, sea bass, and industrial fish.
Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.
Approved: ROBERT L. BENNETT, Commissioner of Indian Affairs.
[F.R. Doc. 69-5485; Filed, May 7, 1969; 8:47 a.m.]

Bureau of Land Management
WASHINGTON
Notice of Filing of Plat
MAY 1, 1969.
1. Plat of survey of the land described below will be officially filed in the Public Records, Portland, Ore., effective at 10 a.m., June 6, 1969.

WILLIAM E. MERIDIAN

T. 34 N., R. 8 W., Sec. 10, two unnamed islands and Duck Island;
Sec. 14, four unnamed islands and Secor Island;
Sec. 15, two unnamed islands and Hall Island;
Sec. 22, Hall Island;
Sec. 23, one unnamed island and Iceberg Island.
The areas described aggregate 9.03 acres.

2. The character of these islands varies from barren rock to a scattering of grasses, undergrowth and juniper.
3. One island is withdrawn to the Fish and Wildlife Service for a national Wildlife Refuge and the remaining islands are leased to the State of Washington under the authority of the recreation and public purposes act.

FREDERICK O. SEISER, Chief, Branch of Lands.
[F.R. Doc. 69-5483; Filed, May 7, 1969; 8:47 a.m.]
Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2432 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00256-90-46070. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30332. Article: Scanning electron microscope, Model Stereoscan Mark IV. Manufacturer: Cambridge Instruments Co., Ltd., United Kingdom. Intended use of article: The article will be used for education and research in biology, solid state physics and electronics, metals, metallurgy, and ceramics. The education objectives are to familiarize students of different disciplines with a method investigation which will lead to results not obtainable by other techniques. The instrument will be of great importance for the following research projects: (1) frictional properties of cotton fibres; (2) studies in stress corrosion cracking; (3) interface phenomena in engineering materials; (4) neutron diffraction studies of tooth components and crystal growth supplement to neutron diffraction studies of tooth components.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered. The foreign article was ordered.

NORTHWESTERN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2432 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00255-33-46040. Applicant: Northwestern University, Creep Biology Laboratory, Evanston, Ill. 60201. Article: Electron Microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research purposes. Educational use will include a course in submicroscopic morphology—a four credit one quarter course offered to graduate students.

The following research projects will be carried out using the electron microscope:

(i) Ultrastructure of the synaptic terminal complex in premitotic cells of the egg chamber of Drosophila melanogaster.
(ii) Ultrastructure of the skin of the lamprey eel.
(iii) Fine Structure and Reconstruction of the Nucleus in wild type and the singed mutant of Drosophila melanogaster.
(iv) Ultrastructure of the Foot Pad Cells of Sarcophaga bullata and Musca domestica during cuticle formation.
(v) Ultrastructural analysis of mitotic patterns in the developing egg chamber of the fix mutant of Drosophila melanogaster.
(vi) Ultrastructural changes in insect nervous systems during metamorphosis.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. The foreign article was ordered.

SLIPPERY ROCK STATE COLLEGE 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 foreign article is intended to be used is being manufactured in the United States. Such comments must be
NOTICES

filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Service Administration, Washington D.C. 20220, within 20 calendar days after date on which this notice 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 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. 69-00472-33-46040. Applicant: Slippery Rock State College, Slippery Rock, Pa. Article: Electron microscope, Model JEM-T7, JEM-ACS-2 anticontamination device, and No. 1701 Wray binocular. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by a central teaching facility which will allow training of professional and technical personnel in the preparation and interpretation of electron micrographs of biological material. This training will enable the biologists to obtain more structural information at the cellular level than is currently obtained from light microscopy. Application received by Commissioner of Customs: March 17, 1969.

Docket No. 69-00518-33-46040. Applicant: University of Iowa, College of Dentistry, Dental Research Laboratory, Iowa City, Iowa. Article: Light microscope. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used by a central teaching facility which will allow training of professional and technical personnel in the preparation and interpretation of electron micrographs of biological material. This training will enable the biologists to obtain more structural information at the cellular level than is currently obtained from light microscopy. Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69-00535-33-46050. Applicant: University of Iowa, College of Veterinary Medicine, Department of Veterinary Pathology, College Station, Texas. Article: Ultramicrotome, Model Reichert SIDEA. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for serial sectioning. A long time is necessary for study of the ultrastructure of biological material. Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69-00539-99-46040. Applicant: University of Iowa, College of Veterinary Medicine, Department of Veterinary Pathology, College Station, Texas. Article: Mass spectrometer, Model CH-5. Manufacturer: Varian/Mat GmbH, West Germany. Intended use of article: The article will be used as a research instrument in graduate programs involving problems in organic, inorganic, and physical chemistry. The intended applications are as follows:

a. Structure studies of high molecular weight metal-polypeptide complexes and catalytic products.
b. Identification of components of complex mixtures by field desorption chemical reactions by mass spectrometry-gas chromatography combination.
c. Structure studies on unstable organometallic compounds.
d. Studies of deuterium isotope effects and reaction mechanisms of organic compounds, requiring precise relative abundance measurements.
e. Measurement of metastable ions, appearance potentials, pyrolysis studies and ion structure studies.

Application received by Commissioner of Customs: April 17, 1969.

CHARLEY M. DENTON, Assistant Administrator for Industry Operations, Business and Defense Service Administration.

[FR Doc. 69-5458 Filed, May 7, 1969; 8:45 am.]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 5(e) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00316--00-00530. Applicant: University of Texas, M.D. Anderson Hospital and Tumor Institute, Houston, Tex. Article: Microwave linear accelerator components. Manufacturer: Union Carbide Corporation, 1 Rockefeller Plaza, New York, N.Y. Intended use of article: The article will be incorporated as components of a high energy...
The foreign articles are components intended for incorporation in a linear accelerator that is being constructed in the United States by a domestic manufacturer. The bids received through April 28, 1969, exclusive of those vessels that called at the United States, are not eligible for duty-free entry under item 851.60 because their prices were higher than the price quoted by the lowest bidder. (See Varian's reply to question 7 of the Application.) Decision: Application denied. Foreign articles are not eligible for duty-free entry under either tariff item 851.60 or 851.65. Reasons: (1) Section 6(c)(1) of the cited Act provides for duty-free entry of instruments or apparatus admitted under item 851.60. Neither the statute nor the regulations, without the need for specialized scientific apparatus or apparatus intended to be used in the United States, are covered under item 851.60. The operative language of the statute and of the regulations is in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-fi nanced cargoes from the United States.

Bands: (1) Section 6(c)(1) of the above-noted Act provides for duty-free entry of instruments or apparatus of equivalent scientific value to that which is being constructed by a domestic manufacturer in accordance with $602.1(f) of the above-cited regulations, without the need for specialized foreign components. (3) We also note that the applicant's reply to question 7 states that the domestic manufacturer to which the contract was awarded "has the capability to manufacture the CFS (Compagnie Generale de Tele­ gancy) that includes the "inner" portion of the components with the cost of manufacture of the CFS."

For the foregoing reasons, we find that the specialized components to which the application relates are not eligible for duty-free entry under tariff item 851.60 within the purview of headnote 6 to part 4, schedule 8 of the Tariff Schedules of the United States.

CHARLES M. DENTON, Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[FR Doc. 66-5450. Filed, May 7, 1966; 8:45 a.m.]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through April 28, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-fi nanced cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

Gross Tonnage

British—Continued

**Jeb Lee (trip to Cuba as the Christmas—British) ** 7,543
Joltley 8,619
**Kail Eliis (trip to Cuba as the Ardmore—British) ** 4,664
**Kileo (trip to Cuba as the And­ gem—British) ** 6,981
Kinsras 6,388
Meadow Court 2,599
**Meadow Court (trip to Cuba as the Ardo­ m—British) ** 5,620
Nancy Deen 6,097
Neubal 8,907
Newgate 7,398
Newheath 7,043
Nepal 7,151
Oceanbump 6,168
Oceantravel 10,419
Oceanview 9,007
*Red Sea (previous trip to Cuba as the Groesmon Mariner—British) ** 7,026
**Rosetta Maud (trips to Cuba as the Art­ lana—British) ** 5,795
*See Plamen 7,361
*Sea Captain 7,385
Sea Coral 9,841
*Seajurgent 4,339
**Shun Wah (trip to Cuba as the Vechmarman—British) ** 7,265
Southgate (previous trips to Cuba as the Arlington Court—British) 9,662
**Tetragon (trips to Cuba as the A­ rovan—British) 7,900
*Venite 9,411
*Vintace 7,381
Vungtuk 5,414
Cypriot (97 ships) 269,779
Cyprus—Continued

British—Continued

Acme 7,173
Aegia Hope (previous trips to Cuba as the Huntesmore—Brit­ ish) 5,673
Aklis (tanker) 7,103
**Alexia (previous trips to Cuba as the Greek) ** 7,093
Alice (previous trips to Cuba as the Greek) 7,199
Amiritsa (previous trips to Cuba as the Kaliakcia—Greek) 5,171
Angeli (trips to Cuba as the Ar­ tom—Greek) 5,482
Antra Traders (previous trips to Cuba as the Kaliakcia—Greek) 7,314
Antrina (previous trips to Cuba as the Kaliakcia—Greek) 7,229
Areti (trips to Cuba as the A­ lbanian—British) 2,176
Atra (previous trips to Cuba as the A­ lbanian—British) 5,411
**Cocladly 2,987
Dago (previous trips to Cuba as the A­ lbanian—British) 9,009
Dolphin 5,550
Dorina Papaitos (previous trips to Cuba as the Formentor—Brit­ ish) 8,424
E. D. Papaitos 9,451
El Toro 5,494
El Ngoan (previous trips to Cuba as the Formentor—British) 6,941
*El Toro (trips to Cuba as the New­ norn—British) ** 7,165
*E. D. Papaitos 8,424
*El Toro 5,494
*El Toro (trips to Cuba as the New­ norn—British) ** 7,165
*Glee (previous trips to Cuba as the New­ norn—British) ** 7,257
Huniesdale (previous trips to Cuba as the Formentor—British) 7,463
Johnny 6,869
Katerina (previous trips to Cuba as the New­ norn—British) 5,357
Kosta (previous trips to Cuba as the Frangitza—Greek) 7,199
*Lagos—Continued

See footnotes at end of document.

NAME

Gross Tonnage

British (48 ships) 385,567

Antarctica 8,705
Arctic Ocean 8,705
Athena (troller) 11,149
Athenaism (troller) 11,163
Athenorm (troller) 11,183
Avisgaff 7,868
Baeggar 8,617
Changpa (tanker) 5,928
Changpahsen (tanker) 8,928
Cheung Chau 8,566
Chiang Kiang 10,461
East Fortune 9,620
Eastfortune 8,789
Easigfflor 8,926
Fernahen (troller) 7,010
Hemisphere 8,718
Hc Pung 7,121
Huntland 9,262
Huntland 9,406
Inquests 7,043

NOTICES

FEDERAL REGISTER, VOL. 34, NO. 83—THURSDAY, MAY 8, 1969
<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Number of Ships</th>
<th>Gross tonnage</th>
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<tr>
<td><strong>Gibraltar</strong></td>
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<tr>
<td><strong>Havana</strong></td>
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<td><strong>Tampico</strong></td>
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<tr>
<td><strong>Caracas</strong></td>
<td>1</td>
<td>54,620</td>
</tr>
</tbody>
</table>

See footnotes at end of table.

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**NOTICES**

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**FEDERAL REGISTER, VOL. 34, NO. 88—THURSDAY, MAY 8, 1969**
Flag of registry: Yugoslav__________ 12
Italian_____________ 16
Maltese_______-_________
French____________ 8Finnish ...__________ 1
Lebanese......... 64
Greek_____________ 99
Moroccan__________ 9
British
Norwegian____________14
Japanese___________ 1
Netherlands_____________
Spanish_______.___ 8
Cypriot________________
Kuwaiti__________■___:—
Haitian_________________
Danish____________ 1
German (West)...... 1

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Sec. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through April 28, 1969.

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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. 1766; 21 U.S.C. 348 (b) (5) ), notice is given that a petition (41-740V) has been filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing the establishment of a food additive regulation (21 CFR Part 121) to provide for the safe use of a combination drug containing sulflodimethone and oerometoprim (2,4-diamino-5-[4,5-dimethoxy-2-methylbenzyl pyrimidine]) with arsanic acid or 3-nitro-4-hydroxy-phenylarsonic acid in the feed of broiler chickens (1) for prevention of certain bacterial diseases (infectious coryza and E. coli infections) and coccidiosis, (2) for growth promotion and feed efficiency, and (3) for improving pigmentation.


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

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2,4-DICHLOROPHENYL p-NITROPHENYL ETHER

Notice of Reinstatement of Temporary Tolerances

The Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19106, was granted temporary tolerances for residues of 2,4-dichlorophenyl p-nitrophenyl ether in or on the raw agricultural commodities collards, kale, mustard greens, and turnip greens at 0.75 part per million, and alfalfa at 0.65 part per million that expired February 9, 1969.

The petitioner has requested a reinstatement of the temporary tolerances for these commodities, and the Commissioner of Food and Drugs has determined that such reinstatement will protect the public health.

A condition under which these temporary tolerances are reinstated is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

These reinstated temporary tolerances expire April 23, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 348(j)) and under authority delegated to the Commissioner (21 CFR 2.120).


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

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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. 1768; 21 U.S.C. 348(b) (5) ), notice is given that a petition (FAP 9B2404) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2592 Rosins and rosin derivatives (21 CFR 121.2592) be amended to provide for the safe use of glycerol ester of tall oil rosin in the manufacture of articles or components of articles intended for use in contact with food. The petition proposes that the glycerol ester of tall oil rosin be identified for the purpose of the proposed amendment as having an acid number of 5 to 12, as determined by ASTM Method D 493-59; a softening point of 80° C. to 86° C., as determined by ASTM Method E 28-57; and a color of N or paler, as determined by ASTM Method D 500-55.


John M. O'Connell,
Assistant Secretary.

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JOHN M. O'CONNELL,
Assistant Secretary.
ATOMIC ENERGY COMMISSION

CONSORTIUMEDION COMPANY OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT 3)

Order Confirming Reconvening of Hearing on May 13, 1969 and Designating Place To Be at Spring Vale Inn, Crueger, N.Y.

On May 2, 1969, the hearing in this proceeding was recessed to reconvene on May 13, 1969. The place designated on May 2d was the Buchanan, N.Y., Fire Hall in view of the indicated unavailability of the Spruce Vale Inn auditorium where the hearings have been held. On May 8, 1969, space arrangements were completed which render the auditorium in the Spring Vale Inn available on May 13, 1969. This auditorium appears to be suitable for the requirements of the number of and the access by the persons participating and attending this hearing.

Wherefore, it is ordered, Pursuant to the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, the hearing in this proceeding, as ordered by the Commission, shall resume and reconvene at 10 a.m., on May 13, 1969, in the Spruce Vale Inn auditorium, Crueger, N.Y.

All communication media are requested to transmit the information of the date and place of this resumed hearing, so that the public may be fully informed.

Issued: May 5, 1969 at Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

FEDERAL REGISTER, VOL. 34, NO. 88—THURSDAY, MAY 8, 1969

CIVIL AERONAUTICS BOARD

[DOCKET NO. 20970; ORDER 69-5-181]

AERO SPECIAL AIR FREIGHT

Order of Investigation and Suspension Regarding Increased Valuation Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May, 1969.

By order received marked to become effective May 7, 1969, Carl K. Sparks, doing business as Aero Special Air Freight (Aero), a freight forwarder, proposes to increase its excess valuation rate for air freight shipments. The proposal would increase such rates from 15 cents to 25 cents for each $1.00 (or fractions thereof) by which the declared value exceeds $50 per pound or $50 per shipment, whichever is higher. The forwarder does not present any justification in support of its proposal.

Upon consideration of all relevant matters, the Board finds that the proposed rate may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Aero's proposal involves increasing its excess valuation rate by approximately 67 percent, but no basis has been advanced for the proposed rise. With relatively few exceptions, air freight forwarders publish excess valuation rates for general domestic traffic amounting to 10 or 15 cents per $100 of declared value in excess of 50 cents per pound, subject to a minimum of $30 per shipment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the provisions and rules, regulations, and practices affecting such provisions and charge, are or are not unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charge, and rules, regulations, or practices affecting such provisions and charge;

2. Pending hearing and decision by the Board, the provisions and charge in Rule 11 of Carl K. Sparks doing business as Aero Special Air Freight's CAB No. 1, and rules, regulations, and practices affecting such provisions and charge, are hereby suspended, pending investigation.

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated:

4. An investigation be instituted to determine whether the provisions and rules, regulations, and practices affecting such provisions and charge, are or are not unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charge, and rules, regulations, or practices affecting such provisions and charge;

5. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated:

6. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated:

7. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated:

8. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated:

9. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated:

Accordingly, the Board tentatively finds and concludes that it is in the public interest to cancel Eagle Airlines' foreign air carrier permit.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by British Eagle International Airlines Limited;

2. Any interested persons having objection to the issuance of such an order shall file with the Board a statement of objection supported by evidence within 20 days of service of this order; and

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon the following: British Eagle International Airlines Ltd.; and the Ambassador of the Government of the United Kingdom.

Since provision is made for response to this order, petitions for reconsideration of this order will not be entertained.

BRIITISH EAGLE INTERNATIONAL AIRLINES LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of May, 1968.

By Order E-23488, served February 14, 1968, the Board issued a foreign air carrier permit to British Eagle International Airlines Limited (Eagle Airlines), an air carrier of the United Kingdom of Great Britain and Northern Ireland, to engage in various types of charter foreign air transportation. It is our understanding that the foreign air carrier permit was based on operations and that its operating authority granted by the United Kingdom Air Transport Licensing Board has lapsed.

Accordingly, the Board tentatively finds and concludes that it is in the public interest to cancel Eagle Airlines' foreign air carrier permit.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by British Eagle International Airlines Limited;

2. Any interested persons having objection to the issuance of such an order shall file with the Board a statement of objection supported by evidence within 20 days of service of this order; and

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon the following: British Eagle International Airlines Ltd.; and the Ambassador of the Government of the United Kingdom.
Order Regarding Cargo Matters

Issued under delegated authority on May 5, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board’s economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conference of the International Air Transport Association (IATA), and adopted at the First Meeting of the Cargo Traffic Procedures Committee.

The agreement, among other things, would amend IATA resolutions relating to air waybills by (1) clarifying that charges made by a carrier for the preparation of air waybills may be assessed upon either a shipper or a consignee, and (2) altering the conditions of contract printed on the reverse side of air waybill forms so as to refer shippers to a carrier’s terms and conditions of carriage for a determination of whether or not carriage is international and therefore subject to liability limitations established by the Hague Protocol to the Warsaw Convention. Additionally, the agreement includes a new resolution which provides that a charge may be assessed, the amount to be determined at the Athens IATA Cargo Conference, that the level of charges established by these resolutions shall be filed with and approved by the Board prior to being placed into effect. Accordingly, it is ordered, That: Action on Agreement CAB 20884, R-1, R-3, and R-4, be and hereby is deferred, subject to the condition stated in finding paragraph 1.

Persons entitled to petition the Board for review of this order, pursuant to the Board’s regulation, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[seal]

Harold R. Sanderson, Secretary.

[F.R. Doc. 69-5516; Filed, May 7, 1969; 8:50 a.m.]

Order Regarding Cargo Matters

Agreement CAB IATA resolutions

20884, R-4

101 (CTPC) 600c.

204 (CTPC) 600c.

201 (CTPC) 600c.

Provided, That the level of charges established by these resolutions shall be filed with and approved by the Board prior to being placed into effect. Accordingly, it is ordered, That: Action on Agreement CAB 20884, R-1, R-3, and R-4, be and hereby is deferred with a view toward eventual approval, subject to the condition stated in finding paragraph 1.

Persons entitled to petition the Board for review of this order, pursuant to the Board’s regulation, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[seal]

Mabel McCarty, Acting Secretary.

[F.R. Doc. 69-5516; Filed, May 7, 1969; 8:50 a.m.]

TRANSGLOBE AIRWAYS LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of May 1969.

By Order 68-9-145, served September 30, 1968, the Board issued a foreign air carrier permit to Transglobe Airways Limited (Transglobe), an air carrier of the United Kingdom of Great Britain and Northern Ireland, to engage in various types of charter foreign air transportation. It is our finding that Transglobe has ceased operations and that its operating authority granted by the United Kingdom Air Transport Licensing Board has lapsed.

Accordingly, the Board, after a review of the tentative findings and conclusions set forth herein; and

 accorded the matters and issues raised by the objections before further action is taken by the Board;

in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

Copies of this order shall be served upon the following: Transglobe Airways Limited; and the Ambassador of the Government of the United Kingdom.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[seal]

Harold R. Sanderson, Secretary.

[F.R. Doc. 69-5517; Filed, May 7, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

COMMON CARRIER SERVICES INFORMATION

Domestic Public Radio Service Applications Accepted for Filing

May 5, 1969.

Pursuant to §§ 1.237(b)(3) and 1.236(b) of the Commission’s Rules, an application, in order to be considered with any domestic public radio service application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier:

(a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or

(b) Within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application, which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that date pursuant to the first alternative earlier date. The mutual exclusivity of rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

1. All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission’s rules, regulations, and other requirements.

2. The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).
The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

**FEDERAL COMMUNICATIONS COMMISSION**

[SEAL]  
Ben F. Waple,  
Secretary.

**APPENDIX**

**APPLICATIONS ACCEPTED FOR FILING**

**DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE**

**File No.; applicant; call sign; and nature of application**

**6304-C2-P-69—** Dakota Radio Paging, Inc.; (New); C.P. for a new 1-way-signaling station.  
Frequency: 152.24 MHz.  
Location: 18th and Bahnson Avenues, Sioux Falls, S. Dak.

**6305-C2-P-69—** Dakota Radio Paging, Inc.; (KQK772); C.P. to change antenna location from 665 North Main Avenue, Sioux Falls, S. Dak. To: 18th and Bahnson Avenues, Sioux Falls, S. Dak.  
Frequency: 152.00 MHz.  
Location: 229,500.00.

**6306-C2-TG-69—** Citizens Telephone Co.; (KITY26); Consent to transfer of control from Sam A. George, Transferor, to Mid-Continent Telephone Corp., Transferee. (2-way station at Lexington, Ky.)

**6307-C2-(2)-69—** Southern Bell Telephone & Telegraph Co.; (KIF654); C.P. to install an additional channel to operate on base frequency 152.00 MHz at its station located at 61 St. Phillip Street, Charleston, S.C., and add frequency 157.95 MHz for test, test location same as base.

**6308-C2-(2)-69—** West Texas Telephone Co.; (KLB503); C.P. to change antenna system, replace transmitters operating on base frequencies 152.54 and 152.78 MHz also correct station coordinates. Location: 4.7 miles northeast of Barstow (4,867' east of intersection of Highways No. 80 and No. 99, Pecos, Tex.).

**6307-C2-69—** Raco, Inc.; (New); C.P. for a new 2-way station. Frequency: 152.18 MHz. Location: Mount Alto, Rome, Ga.

**6306-C2-PD-69—** Florida Telegraph; (KIF650); Consent to assignment of license from William A. Chapman and George K. Chapman, Transferee to Airsignal International, Inc., Assignee. (1-way-station at Birmingham, Ala.)

**6306-C2-AL-69—** Chapman Radio & Television Co.; (KIES86); Consent to assignment of license from William A. Chapman and George K. Chapman, Transferee to Airsignal International, Inc. (1-way-station at Atlanta, Ga.).

**6301-C2-P-(4)-69—** The Redco Corp. and Roy M. Teel and Lowry McKeon doing business as Mobilfone (KFGQ44); C.P. to install control facilities to operate on frequencies 454.15 and 454.80 MHz at location No. 1: south of Highway 31, 1,1 mile east of Krebs, Okla., and at a repeater station at a site to be identified as location No. 2: Buffalo Mountain, 8 miles west of Tahliha, Okla., to operate on frequencies 455.15 and 456.30 MHz. All other particulars remain same as reported on public notice dated Mar. 24, 1969.

**6302-C2-ML-69—** The Redco Corp. and Roy M. Teel and Lowry McKeon doing business as Mobilfone (KESK41); Modification of license to change base frequency 152.24 MHz to 152.28 MHz at location No. 3: Buffalo Mountain, 8 miles west of Tahliha, Okla.

**6164-C2-69—** Chadbourn Telephone Cooperative, Inc.; (KJT851); C.P. to change antenna system and replace transmitter operating on frequency 152.65 MHz at its station located 3 miles northeast of Cameron, W. Va.

**6363-C2-P-69—** Chadbourn Telephone Cooperative, Inc.; (KJT851); C.P. to change antenna location from 3 miles north of Sand Creek, Wis., to approximately 3 miles north of Sand Creek, W. Va., and replace transmitter operating on base frequency 152.75 MHz.

**6183-C2-(9)-69—** Relay Corp.; (KKEG75); C.P. to replace transmitters operating on frequency 43.22 MHz at the following locations: Location No. 1: 335 Eastern Parkway, Brooklyn, N.Y., location No. 2: 25-25 41st Avenue, Long Island City, N.Y., location No. 3: 4600 East 82nd Street, Par Rockaway, N.Y., location No. 4: Jerusalem Avenue, west of Wantagh Avenue, North Wantagh, N.Y., location No. 5: 97-00 129th Street, Flushing, N.Y., location No. 6: 3000 Bronx Park East, Bronx, N.Y., location No. 7: 138 St. Andrews Lane, Glen Cove, N.Y., location No. 8: northwest corner of 6th Street and Seventh Avenue, New York, N.Y., and location No. 9: 400 Benefit Avenue, Terrytown, N.Y., also change emission designator to 13F2.

**DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued**

**6385-C2-P-69—** Beasley and Carlson, Inc.; (KIJ588); C.P. to install an additional channel to operate on base frequency 152.31 MHz at its station located at Industrial Bank Building, Savannah, Ga.

**6384-C2-(2)-69—** Western California Telephone Co.; (New); C.P. for a new 2-way station. Frequencies: 454.05 and 454.60 MHz. Location: 15000 San Jose Avenue, Los Gatos, Calif.

**6385-C2-P-69—** Anawerse Professional Telephone Service; (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: 841 North Florida Avenue, Lakeland, Fla.

**6387-C2-P-69—** James D. and Lawrence D. Garvey, doing business as Radiophone; (KK0349); C.P. to install an additional channel to operate on base frequency 454.35 MHz at its station located corner O'Keefe and Howard Streets, New Orleans, La.

**6386-C2-P-69—** AAA Anserphone, Inc._Jackson; (New); C.P. for a new 2-way station. Frequency: 152.15 MHz. Location: WCBR-TV Tower, Highway No. 12, approximately 4 miles north-northeast of center of Columbus, Miss.

**6390-C2-P-69—** Arkansas Telephone & Telegraph Co.; (KJLP99); C.P. to install an additional channel to operate on base frequency 152.24 MHz at its station located 401 West Fifth Street, Greenville, N.C.

**6403-C2-P-69—** New England Telephone & Telegraph Co.; (KCC472); C.P. to change antenna system operating on base frequency 152.69 MHz at its station located Garrison Hill, Dover, N.H.

**6404-C2-P-69—** John E. Taylor, doing business as Selective Paging; (New); C.P. for a new 1-way-signaling station. Frequency: 158.79 MHz. Location: 107 Delaware Avenue, Buffalo, N.Y.

**6418-C2-P-(2)-69—** General Telephone Co. of the Southeast; (New); C.P. for a new 1-way-signaling station. Frequency: 152.15 MHz. Locations: Location No. 1: 380' northeast of east end of Sandhill Park, Durham, N.C. Location No. 2: Intersection of Austin Avenue and U.S. 54, Lowes Grove, N.C.

**6419-C2-P-(2)-69—** General Telephone Co. of the Southeast; (New); C.P. for a new 1-way station. Frequencies: 152.24 and 152.78 MHz. Location: 380' northeast of the east end of McGill Place, Greenville, S. Dak.

**6420-C2-P-69—** Jerry D. Vaughan; (New); C.P. for a new 2-way station. Frequencies and locations: Location No. 1: Walker Mountain near Clermont, Ga., base frequency 454.250. Location No. 2: 719 Broad Street, Savannah, Ga. (Control) on 454.360 MHz. Renewal of licenses expires April 1, 1969. Term: April 1, 1969, to April 1, 1974.

Licensee, State, and call sign


Radio Communications Service, Georgia, KJ349.

**Major Amendment**

**6384-C2-P-69—** Bertha C. Matthews doing business as Matthews Telephone answering service; Application amended to read: C.P. to change frequency 33.58 MHz to 158.76 MHz. All other particulars remain same as reported on public notice dated Apr. 21, 1969. Report No. 496.

**POIN T-TO-POINT MICROPHONE RADIO SERVICE**

**Major Amendment**

**5402-C1-P-69—** Ohio Bell Telephone Co.; Major amendment to change operating frequencies from 6173.9 and 11,135 MHz to 6168.5 and 10,935 MHz. All other particulars remain same as reported in public notice dated Mar. 24, 1969.

**RURAL RADIO SERVICE**

**6665-C1-6/L-69—** The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequency: 158.07 MHz. Subscriber and location: Esy Ranch, 18.6 miles south-southwest of Hawsin, Wyo.

**POIN T-TO-POINT MICROPHONE RADIO SERVICE (TELEPHONE CARRIERS)**


POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—Continued


6331-C1-P-69—New York Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 6019.3, 6131.2, 6155.8, 10,755, 10,975 MHz. Location: 2 miles northeast of Smithville, N.Y.

6322-C1-P-69—New York Telephone Co.; (New); C.P. for a new fixed station. Frequency: 6330 MHz. Location: 8.8 miles northeast of Bemus Corners, N.Y.

6333-C1-P-69—New York Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 11,345.0, 11,465.0, 11,625.0, 11,665, and 11,801.0 MHz. Location: 2.4 miles west-northwest of Adams Center, N.Y.

6334-C1-P-69—New York Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 10,890.0, and 11,050.0 MHz. Location: 170 Stone Street, Watertown, N.Y.

American Telephone & Telegraph Co.; Thirteen (13) C.P.'s to construct an additional pair of type TD-4 telephone channels on the Adams-Roanoke-Houston, Tex., radio relay route and on the branch route between Roanoke and Forth Worth, Tex., as follows:

6366-C1-P-69—American Telephone & Telegraph Co.; (KKN28); Add frequency 3979 MHz toward Arcola, Tex., at its station located 1407 Jefferson Street, Houston, Tex.

6367-C1-P-69—American Telephone & Telegraph Co.; (KZA43); Add 3910 MHz toward Houston and toward Rosenberg, Tex., at its station located 3.1 miles northwest of Arcola, Tex.

6368-C1-P-69—American Telephone & Telegraph Co.; (KRA40); Add frequencies 3970 MHz toward Arcola and toward Pattison, Tex., at its station located 1.6 miles west of Rosenberg, Tex.

6369-C1-P-69—American Telephone & Telegraph Co.; (KSA35); Add 3910 MHz toward Rosenberg, Tex., and toward Independence, Tex., at its station located 8.8 miles north of Pattison, Tex.

6370-C1-P-69—American Telephone & Telegraph Co.; (KKA38); Add 3970 MHz toward Independence, Tex., and toward Caldwell, Tex., at its station located 1.9 miles east of Independence, Tex.

6371-C1-P-69—American Telephone & Telegraph Co.; (KZA47); Add 3910 MHz toward Independence, Tex., and toward Hammond, Tex., at its station located 30 miles north of Caldwell, Tex.

6372-C1-P-69—American Telephone & Telegraph Co.; (KKA35); Add 3970 MHz toward Caldwell, Tex., and toward Waco, Tex., at its station located 6.5 miles west of Hammonds, Tex.

6373-C1-P-69—American Telephone & Telegraph Co.; (KZA35); Add 3910 MHz toward Hammond, Tex., and toward West, Tex., at its station located 24 miles east-southeast of Waco, Tex.

6374-C1-P-69—American Telephone & Telegraph Co.; (KZA35); Add 3910 MHz toward East, Tex., and toward Palestine, Tex., at its station located 11 miles north of West, Tex.

6375-C1-P-69—American Telephone & Telegraph Co.; (KZA35); Add 3910 MHz toward West, Tex., and toward Kennedale, Tex., at its station located 24 miles east of Palestine, Tex.

6376-C1-P-69—American Telephone & Telegraph Co.; (KTS92); Add 3970 MHz toward Kennedale, Tex., and toward Roanoke, Tex., at its station located 5 miles south-southeast of Kennedale, Tex.

6377-C1-P-69—American Telephone & Telegraph Co.; (KTS97); Add 3910 MHz toward Roanoke, Tex., and toward Adams, Tex., at its station located 4.8 miles northeast of Roanoke, Tex.

6378-C1-P-69—American Telephone & Telegraph Co.; (KKE99); Add 3900 MHz toward Roanoke, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6336-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6337-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6338-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6339-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6340-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6341-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6342-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6343-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6344-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6345-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6346-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6347-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6348-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6349-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

6350-C1-P-69—Southwestern Bell Telephone Co.; (KJZ97); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication. KTXT-TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.
NOTICES

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business April 30, 1969, to the appropriate agency designated herein, within 10 days after notice that such report shall be made. Provided, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller of the Currency, Form No. 469,1 and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation, each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 1969, and shall send the same to the Federal Reserve Bank of the district wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call 1969,1 and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with “Instructions for the preparation of Report of Condition on FDIC Form 64—Call No. 87, First Call In 1969” and with “Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System,” dated January 1961. Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),1 prepared in accordance with “Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks,” dated December 1962, and any amendments thereto,1 and shall send the same to the Federal Deposit Insurance Corporation.

K. A. Ranball,
Chairman, Federal Deposit Insurance Corporation.

William H. Camp,
Comptroller of the Currency.

J. L. Robertson,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 69-5480; Filed, May 7, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1143]

GRIEVE & MITCHEL SHIPPING, INC.

Order of Revocation

By letter dated April 29, 1969, Grieve & Mitchel Shipping, Inc., 107 Camp Street, New Orleans, La., returned Independent Ocean Freight Forwarder License No. 1143 to the Commission for cancellation and advised the Commission that an Independent Ocean Freight Forwarder would be discontinued effective April 30, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03.

It is ordered, That the Independent Ocean Freight Forwarder License No. 1143 of Grieve & Mitchel Shipping, Inc., and hereby revoked effective April 30, 1969.

It is further ordered, That this cancellation is without prejudice to reopening at a later date.

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

Leroy F. Fuller,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-5510; Filed, May 7, 1969; 8:50 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND SHUN CHEONG STEAM NAVIGATION CO., 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. 752, 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 L 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 10 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 Commission should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. D. F. Mann, Analyst Rates & Tariffs, Lykes Bros. Steamship Co., Inc., 821 Gravier St., New Orleans, La.

Agreement No. 9624-4, between Lykes Bros. Steamship Co., Inc., and Shun Cheong Steam Navigation Co., Ltd., modifies the basic transshipment agreement between the parties by increasing Shun Cheong’s portion of the through rate as specified therein.


By order of the Federal Maritime Commission.

Thomas Lisi,
Secretary.

[F.R. Doc. 69-5510; Filed, May 7, 1969; 8:50 a.m.]

CITY OF LONG BEACH AND NATIONAL MOLASSES CO.

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. 752, 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 L 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 10 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 Commission should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. D. F. Mann, Analyst Rates & Tariffs, Lykes Bros. Steamship Co., Inc., 821 Gravier St., New Orleans, La.

Agreement No. 9624-4, between Lykes Bros. Steamship Co., Inc., and Shun Cheong Steam Navigation Co., Ltd., modifies the basic transshipment agreement between the parties by increasing Shun Cheong’s portion of the through rate as specified therein.


By order of the Federal Maritime Commission.

Thomas Lisi,
Secretary.

[F.R. Doc. 69-5510; Filed, May 7, 1969; 8:50 a.m.]

FEDERAL REGISTER, VOL. 34, NO. 88—THURSDAY, MAY 8, 1969
NOTICES

Federal Power Commission

Docket No. RI69-637

FEDERAL POWER COMMISSION

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

MAY 1, 1969.

On April 7, 1969, Ferguson Oil Co., doing business as Ferguson Oil Co. (Operator) et al. (Ferguson), tendered for filing a proposed change in his presently effective rate schedule for service of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Letter Agreement, dated March 17, 1969; (2) Notice of Change, dated April 3, 1969.

Purchaser and producing area: Panhandle Eastern Pipe Line Co. (Kingman County, Kans.).

Effective date: (1) April 7, 1969; (2) April 7, 1969.

Rate schedule designation: (1) Supplement No. 2 to Ferguson's FPC Gas Rate Schedule No. 6; (2) Ferguson's FPC Gas Rate Schedule No. 6.

Amount of annual increase: $331.

Effective rate: 16 cents per Mcf.

Proposed rate: 18 cents per Mcf.

Pressure base: 14.65 p.s.i.a.

The Commission finds:

Ferguson's request for waiver of statutory notice and the shortest possible suspension period if the Commission should suspend his proposed rate increase is in the public interest as indicated hereinafter, and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 604, City Hall, Long Beach, Calif. 90802.

Agreement No. T-2153 between the City of Long Beach (City) and National Molasses Co. (National), as amended by Agreement No. T-2153-1, grants to National, as amended by Contract Agreement (as indicated hereinafter), the right to disapprove any rate, charge, regulation, or practice of National in its terminal operations.

However, in these special circumstances, we conclude that it would be in the public interest to waive, pursuant to the authority of the Natural Gas Act, the notice requirement and the shortest possible suspension period if the Commission should suspend his proposed rate increase. In view of the circumstances involved in this case, we conclude that it would be in the public interest to waive, to the extent necessary, the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit Ferguson's notice of change to be suspended from April 7, 1969, the date of filing, and the contract amendment be accepted for filing to be effective as of April 7, 1969, the date of filing of the notice of change in rate.

Ferguson proposes a 2-cent increase in rate from 16 cents to 18 cents per Mcf, amounting to approximately $331 annually, for a sale of gas to Panhandle Eastern Pipe Line Co. (Panhandle) from the No. 1 Frewer Well in Kingman County, Kansas. The 2-cent increase to be paid by Panhandle is for Ferguson's compression of the gas above the original contract pressure. Ferguson's proposed 18-cent rate exceeds the increased rate ceiling for Kansas as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, 2.56) and should be suspended. However, in these special circumstances, we conclude that it would be in the public interest to suspend Ferguson's rate increase for only 1 day from April 7, 1969, the date of filing.

Concurrently with the filing of his notice of change in rate, Ferguson submitted a letter agreement dated March 17, 1969, designated as Supplement No. 2 to Ferguson's FPC Gas Rate Schedule No. 6, which provides for the increased rate. We believe that it would be in the public interest to accept for filing Ferguson's proposed letter agreement to become effective as of April 7, 1969, the date of filing of the notice of change in rate, but not the proposed rate contained therein which is suspended as hereinafter ordered.

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Ferguson's letter agreement dated March 17, 1969, designated as Supplement No. 2 to Ferguson's FPC Gas Rate Schedule No. 6, and for permitting such supplement to become effective on April 7, 1969, the date of filing of Ferguson's notice of change in rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Ferguson's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 2 to Ferguson's FPC Gas Rate Schedule No. 6 is accepted for filing and permitted to become effective on April 7, 1969, the date of filing of Ferguson's notice of change in rate.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 18 thereof, the Commission's rules of practice and procedure, and the regulatory agreement No. 61-1, as amended (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate of charge. The hearing will be suspended until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Pending such hearing and decision thereon, Supplement No. 3 to Ferguson's FPC Gas Rate Schedule No. 6 is hereby suspended and the use thereof deferred until April 8, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act; Provided, however, that the supplement to the rate schedule filed by Ferguson, as set forth above, 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, Ferguson shall execute and file under Docket No. R168-721, with the Secretary of the Commission, its agreement and undertaking as provided herein.

***

Address is: 1505 Wichita Plaza Bldg., Wichita, Kans. 67202.

1 Letter Agreement provides for buyer to pay seller 2 cents for compressing gas and for buyer to take up to 800 Mcf per day.

Federal Register, Vol. 34, No. 88—Thursday, May 8, 1969
NOTICES

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

May 1, 1969.

Take notice that on April 24, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-140 a petition to amend its application commenced in Docket No. CP69-48, filed on February 24, 1969, by requesting that location of the Compressor Station No. 5 be changed and the installation of turbocharging kits be at Compressor Station No. 4, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioners are authorized to construct and operate certain facilities to increase the daily design delivery capacity of its Northwest Division Mainline System by approximately 50,600 Mcf per day. The construction of the Compressor Station No. 5 and the installation of the turbochargers at Compressor Station No. 4 were part of the authorized project.

Petitioner states that because of climatic conditions the original site of Compressor Station No. 5 would be accessible during the winter months only with great difficulty. Petitioner therefore requests the site of the station approximately 5.5 miles upstream of the original site location.

Petitioner further states that, as a result of relocating Compressor Station No. 5, more effective utilization of horsepower available from turbocharging will be realized by installing turbocharging kits at its Compressor Station No. 6 in lieu of the authorized installation of such kits at Compressor Station No. 4.

No increase in cost is anticipated by Petitioner as a result of the relocation of Station No. 5 site. However, the proposed change in the turbocharging will result in an estimated net increase of $277,415 in the total estimated project cost due to the differences in the compressor units now proposed to be turbocharged.

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, a petition to intervene or a protest 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.

GORDON M. GRANT, Secretary.

[File: Doc. 69-5460; Filed, May 7, 1969; 8:45 a.m.]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

May 1, 1969.

Take notice that on April 22, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26521, filed in Docket No. CP69-274 an application pursuant to section 7 (a) of the Natural Gas Act for construction of certain additional storage compressor facilities, all as more fully set forth in the subject application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate two additional 4,800 Horsepower engines and related equipment at its existing Lightburn Compressor Station, which is used in the operation of its Fink-Kennedy Storage Pool in Harrison and Lewis Counties, W. Va.

Applicant states that the proposed development will enable it to cycle an estimated 6,700,000 Mcf of additional storage gas now required to be maintained as maximum storage gas in its Fink-Kennedy Storage Pool, with loss of storage deliverability at the end of winter withdrawal seasons. The application indicates that the proposed project for development, together with other pending storage development, is required to meet normal growth and increased storage service in its market.

Applicant further states that the total capacity of the Fink-Kennedy Storage Pool will remain unchanged, and, therefore, no additional gas supply is required in connection with the subject proposal and that no additional sales or services are proposed by the subject application.

The application indicates that the total estimated cost of the proposed project is $2,861,336, which cost will be financed from funds on hand and from funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Co.

Any persons 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, a petition to intervene or a protest 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 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 under the Act 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, or 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.

FEDERAL RESERVE SYSTEM

MARSHALL & ILSLEY BANK STOCK 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 Marshall & Ilsley Bank Stock 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 The People's Bank, Coloma, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any 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 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, Assistant Secretary.

[F.R. Doc. 69-5465; Filed, May 7, 1969; 8:45 a.m.]

MARSHALL & ILSLEY BANK STOCK 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 Marshall & Ilsley Bank Stock 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 The People's Bank, Coloma, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any 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 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, Assistant Secretary.

[F.R. Doc. 69-5465; Filed, May 7, 1969; 8:45 a.m.]

MARSHALL & ILSLEY BANK STOCK 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 Marshall & Ilsley Bank Stock 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 The People's Bank, Coloma, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any 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.
NOTICES

MARSHALL & ILSLEY BANK STOCK 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 Marshall & Ilsley Bank Stock 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 Peoples State Bank, New Holstein, 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 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.

Dated at Washington, D.C., this 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5467; Filed, May 7, 1969; 8:46 a.m.]

FIRST AT ORLANDO 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 at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of Commercial Bank at Daytona Beach, Daytona Beach, Fla.

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 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.

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.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5470; Filed, May 7, 1969; 8:46 a.m.]
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 of the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 30th day of April 1969.

By order of the Board of Governors.

ROBERT P. FOREESTAL, Assistant Secretary.

[F.R. Doc. 69-5472; Filed, May 7, 1969; 8:46 a.m.]
primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses and (2) pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company, All interested persons are directed to the application and to the hearing file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was organized under the laws of Ohio on December 16, 1960. Applicant states that until December 1968 it was primarily engaged in the business of an insurance company through a majority-owned subsidiary. In December of 1968, applicant exchanged the stock of this majority-owned subsidiary and 10,000 shares of the applicant’s stock for slightly less than 10 percent of the outstanding common stock of Ohio (“Ohio”), which was then primarily engaged in the business of an insurance company, through majority-owned subsidiaries. Applicant indicates that as a result of such acquisition, it fell within the definition of an investment company under the Act, but states that it was excepted from such definition by virtue of the provisions of section 3(a)(8) of the Act, which excepted such an exception to any company 90 percent or more of the value of whose investment securities are represented by securities of a single issuer primarily engaged in the business of manufacturing patio torches and other items. The cost to applicant of such interests in its majority-owned subsidiary aggregated $697,613, which was equivalent to about 51 percent of the book cost of its total assets (exclusive of cash items and Government securities) at October 31, 1968. In addition, the applicant exchange on October 31, 1968, taking its interest in its majority-owned subsidiaries on the basis of determinations made by applicant’s board of directors and taking its interest in Ohio on the basis of bid price quotations in the over-the-counter market at September 30, 1968. On such basis, applicant’s interest in Ohio had a value of $1,099,690 which was equivalent to 48 percent of the cost of its total assets (exclusive of cash and Government securities) and its investment in its majority-owned subsidiaries aggregated $1,250,000 (as compared to cost in 1968 of $867,613) or 53 percent of the value of its total adjusted assets (exclusive of cash and Government securities) at the same date. On the foregoing basis, it applied to the Commission to be afforded an exception as an investment company as defined in section 3(a)(8). However, applicant indicates that it would not be an investment company under section 3(a)(8) if its investment in its majority-owned subsidiaries were valued as described in the application; and that it is entitled to a finding that it is not an investment company because of the following circumstances.

Applicant represents that it acquired its interests in the businesses of its majority-owned subsidiaries with the intent of operating them on a long-term basis and to lend to about 48 percent of the cost of its total adjusted assets (exclusive of cash and Government securities) and its investment in its majority-owned subsidiaries which aggregated $1,250,000 (as compared to cost in 1968 of $867,613) or 53 percent of the value of its total adjusted assets (exclusive of cash and Government securities) at the same date. On the foregoing basis, it applied to the Commission to be afforded an exception as an investment company as defined in section 3(a)(8). However, applicant indicates that it would not be an investment company under section 3(a)(8) if its investment in its majority-owned subsidiaries were valued as described in the application; and that it is entitled to a finding that it is not an investment company because of the following circumstances.

Applicant states that it has selected all of the members of the board of directors of each of its majority-owned subsidiaries; that the board of directors of each of its majority-owned subsidiaries aggregated five members and that three directors of applicant are also members of the board of directors of each of its majority-owned subsidiaries. Applicant also states that its president is the vice president, assistant secretary, and assistant treasurer of applicant holds the same position with each of the majority-owned subsidiaries and that a director of applicant is secretary and treasurer of Industries, Safety, and Vogt. Applicant further states that the persons referred to above participate in the management of the various subsidiaries as described in the application and that applicant makes all policy and long range decisions for its majority-owned subsidiaries. Since acquiring Frye and Industries, the number of employees of applicant has increased from two to seven, all of whom now devote their entire working time to the business of Frye and Industries. Applicant’s primary source of income is the management fee paid to it by Frye and Industries.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the application pursuant to sections 3(b) (2) and 8(f) of the Act;

NOW, THEREFORE, the Commission, pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 25th day of May 1969, at 10 a.m. in the Hearing Room of the Commission, Federal Reserve Building, Washington, D.C. 20549.

The Hearing Room Clerk will advise as to the room in which such hearing will be held. A copy of the order granting this proceeding is directed to file with the Secretary of the Commission, or on before the 25th day of May 1969, an application pursuant to Rule 9(c) of the Commission’s rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and such powers shall be exercised under the Commission’s rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters are presented for consideration, without prejudice to the specification of additional matters upon further examination:

(1) Whether applicant is an investment company, whether it is necessary for the protection of investors that the order contain appropriate conditions.

(2) Whether applicant has ceased to be an investment company.

(3) Whether applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses.

(4) Whether applicant is primarily engaged in the business of furnishing similar types of businesses.
of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DU BOIS, Secretary.

[F.R. Doc. 69-5437; Filed, May 7, 1969; 8:47 a.m.]

TELSTAR, INC.

Order Suspending Trading

May 2, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1969, through May 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DU BOIS, Secretary.

[F.R. Doc. 69-5439; Filed, May 7, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

Cross Reference: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-5469, Federal Deposit Insurance Corporation, supra.

INTERSTATE COMMERCE COMMISSION

[Notice 1292]

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

May 2, 1969.

The following applications are governed by Special Rule 1.247 of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register issue of April 20, 1966, effective May 20, 1966. These rules provide that within 30 days after date of filing of the application in the Federal Register, protest may be filed, unless the application will be dismissed for the reasons noted.

By the Commission.

[SEAL] ORVAL L. DU BOIS, Secretary.

[F.R. Doc. 69-5468; Filed, May 7, 1969; 8:47 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

May 2, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation), and all other securities of Top Notch Uranium and Mining Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1969, through May 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DU BOIS, Secretary.

[F.R. Doc. 69-5460; Filed, May 7, 1969; 8:47 a.m.]

Copies of Special Rule 1.247 as amended can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.
vehicle, over irregular routes, transporting: classes A and B explosives, between points in Arizona, California, New Mexico, Texas, Utah, the Louisiana Orleans Plant at or near Doyline, La., Fort Sill and the Naval Ammunition Depot at or near Savannah-Haywood, Okla. Note: Applicant states that no duplicating authority is being sought. This republication is for the purpose of including the State of California as one of the States to which the order is directed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 23798 (Sub-No. 186), filed April 10, 1969, Applicant: CLAY EYDER TRUCKING, INC., 500 East Bridgers Avenue, Post Office Box 1166, Auburndale, Fla. 33823. Applicant's representative: Jack H. Blanshan, 20 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products and meat by-products and articles distributed by meat packinghouses, as described in Motor Carrier Certificates, 61 M.C.C. 200 and 766, from Hillsdale, Mich., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Alabama, Arkansas, Tennessee, Missouri and Nebraska, restricted to traffic originating at the plants and/or warehouses utilized by Great Western Packer, Inc., Chicago, Ill. Note: Applicant states that it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 23739 (Sub-No. 63), filed April 11, 1969. Applicant: GROUCH BROS., INC., 2501 North 11th Street, Omaha, Neb. 68101. Applicant's representative: Donald L. Steiner, 39 Center Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Feed and feed supplements, poultry and livestock feeds, and products therefrom, from Chicago Heights, Ill., to points in Missouri and Nebraska. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61396 (Sub-No. 216), filed April 17, 1969. Applicant: HERMAN BROG, INC., 2501 North 11th Street, Omaha, Neb. 68101. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer and its constituent materials, in bulk, and in bags, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Neb., or Des Moines, Iowa.

No. MC 23739 (Sub-No. 471), filed April 21, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103rd Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 Center Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal tar and coal tars products, in bulk, in tank vehicles, from Chicago, Ill., to points in the United States (except Alaska and Hawaii). Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 68338 (Sub-No. 3), filed April 8, 1969. Applicant: JERSEY SHEARBOARD Lines, INC., Route 34, Post Office Box 4, South Lake, N.J. 07762. Applicant's representative: George A. Olsen, 607 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities requiring special equipment, (except those of unusual value, i.e., A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, materials, and connections or fittings, flexible steel conduit, steel armored and steel and lead armored copper cable, and strip steel, from Glen Dale, W. Va., and Carnegie, Pa., to points in Alabama, Arkansas,
NOTICES

FEDERAL REGISTER, VOL 34, NO. 88—THURSDAY, MAY 8, 1969

April 14, 1969. Applicant: HARRY'S EXPRESS COMPANY, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Fresh hams, from points in North Carolina, Ohio, and Minnesota (except Austin), to Scottsbluff, Nebr., and Delphos, Ohio. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 85468 (Sub-No. 18), filed April 21, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Cereals, by-products, and feed ingredients, from points in Nebraska, Texas, and Minnesota (except Austin), to Scottsbluff, Nebr., and Delphos, Ohio. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 86913 (Sub-No. 27), filed April 9, 1969. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 648, Warrenston, N.C. Applicant's representative: Edward G. Villanau, 1753 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Mamaroneck, N. Dak., and Baker, Mont., over U. S. Highway 12, serving no intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 97699 (Sub-No. 29), filed April 11, 1969. Applicant: HARRBER TRANSPORTATION COMPANY, a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant: Leslie, R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bogalusa, La., to points in the United States, except points in Hawaii. Note: Applicant states that no duplicating authority is being sought. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 99090 (Sub-No. 8) (Correction), filed March 17, 1969, published Federal Register issue of April 17, 1969, corrected and republished as corrected, filed April 11, 1969. Applicant: MORGAN CITY PIPE, Inc., near Morgan City, La. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Rigid polyvinyl chloride pipe, between the plant sites of Universal Pipe and Plastic, Inc., near Morgan City, La., to Philadelphia, Pa., and away from the United States except points in Hawaii and Alaska; (2) materials, equipment, and supplies used in the manufacture of rigid polyvinyl chloride pipe, between the plant sites of Universal Pipe and Plastic, Inc., near Morgan City, La., and away from the United States except points in Hawaii and Alaska, on the one hand, and, on the other, the site of the plant of Universal Pipe and Plastic, Inc., near Morgan City, La., on the other hand, and, on the other, the site of the plant of Universal Pipe and Plastic, Inc., near Morgan City, La., on the other hand. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 102557 (Sub-No. 131), filed April 18, 1969. Applicant: EARL GIBBON TRANSPORT, INC., 225 Benton Road, Post Office Drawer 5537, Bossier City, La. 71101. Applicant's representative: Beverley S. Simms, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid paper and petroleum products, and derivatives, in bulk, in tank vehicles, from Bogalusa, La., to points in the United States (except Alaska and Hawaii). Note: Applicant states that no duplicating authority is being sought. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103191 (Sub-No. 26), filed April 21, 1969. Applicant: THE GEO. A. RHEMAN CO., INC., Post Office 5005, Station A, Charleston, S.C. 29403. Applicant's representative: Beverley S. Simms, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber (except those requiring special equipment), from Orlando, Fla., to North Charleston, S.C., and points within 10 miles of North Charleston, S.C. Note: Applicant states that no duplicating authority is being sought. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 103992 (Sub-No. 400), filed April 14, 1969. Applicant: MORGAN CITY PIPEway, Inc., Post Office Box 228, Ellikton Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borges. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.
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No. MC 105045 (Sub-No. 21) (Correction), filed March 18, 1969, in published in the Federal Register issue of April 24, 1969, and republished in part, as corrected, this issue, Applicant: R. J. JENKES TRUCKING CO., INC., 1299 Northeast 23rd Street, Miami, Fla. 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

- Meats, meat products, and meat byproducts, and articles distributed by meat packers (same address as applicant).
- Foodstuffs (same address as applicant).

Common control may be involved. The purpose of this republication is for the purpose of reflecting the correct Docket number as MC 105045 (Sub-No. 21) in lieu of MC 10544 (Sub-No. 21) as previously published. The rest of the application remains as previously published.

No. MC 105813 (Sub-No. 169), filed April 17, 1969. Applicant: BELFORD TRUCKING CO, INC, 1299 Northeast 23rd Street, Miami, Fla. 33148. Applicant's representative: Dale L. Cox, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

- Meats, meat products, and meat byproducts, and articles distributed by meat packers (same address as applicant).
- Foodstuffs (same address as applicant).
- Liquified petroleum gas, in bulk, in tank vehicles, from the terminal outlet of the Mid-America Pipeline Co. (MAPCO, Inc.) at or near Wellsville, Mo., to points in Missouri, Arkansas, Illinois, and Mississippi; with its Sub 12 to serve points in Iowa, Kansas, and Nebraska; and with its Sub 217 to serve points in the United States on and east of the Mississippi River to its junction with the northwestern boundary of Missouri, and north of the Missouri and Ohio Rivers.

If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., to points in the United States on and east of the Missouri River to its junction with the northwestern boundary of Missouri, and north of the Missouri and Ohio Rivers.


No. MC 105045 (Sub-No. 21) (Correction), filed March 18, 1969, in published in the Federal Register issue of April 24, 1969, and republished in part, as corrected, this issue, Applicant: R. J. JENKES TRUCKING CO., INC., 1299 Northeast 23rd Street, Miami, Fla. 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

- Meats, meat products, and meat byproducts, and articles distributed by meat packers (same address as applicant).
- Foodstuffs (same address as applicant).

Common control may be involved. The purpose of this republication is for the purpose of reflecting the correct Docket number as MC 105045 (Sub-No. 21) in lieu of MC 10544 (Sub-No. 21) as previously published. The rest of the application remains as previously published.

No. MC 105813 (Sub-No. 169), filed April 17, 1969. Applicant: BELFORD TRUCKING CO, INC, 1299 Northeast 23rd Street, Miami, Fla. 33148. Applicant's representative: Dale L. Cox, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

- Meats, meat products, and meat byproducts, and articles distributed by meat packers (same address as applicant).
- Foodstuffs (same address as applicant).
- Liquified petroleum gas, in bulk, in tank vehicles, from the terminal outlet of the Mid-America Pipeline Co. (MAPCO, Inc.) at or near Wellsville, Mo., to points in Missouri, Arkansas, Illinois, and Mississippi; with its Sub 12 to serve points in Iowa, Kansas, and Nebraska; and with its Sub 217 to serve points in the United States on and east of the Mississippi River to its junction with the northwestern boundary of Missouri, and north of the Missouri and Ohio Rivers.

If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., to points in the United States on and east of the Missouri River to its junction with the northwestern boundary of Missouri, and north of the Missouri and Ohio Rivers.

No. MC 105397 (Sub-No. 359) (Clarification), filed March 13, 1969, in published in the Federal Register issue of April 10, 1969, and republished in part, as corrected, this issue, Applicant: SOUTHERN TANK TRANSPORT, INC., Post Office Box 665, GAINESVILLE, Fla. 32601. Applicant's representative: Samuel Zacharia, 711
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FEDERAL REGISTER, VOL. 34, NO. 88—THURSDAY, MAY 8, 1969

April 14, 1969. Applicant: CHEMICAL
Madison Building, 1155 15th Street NW.,
Washington, D.C. 20006. Applicant's representatives: Edwina S. Leuty and J. M. James. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting liquid animal feed, in bulk, from Manheim, Pa., and Albany, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. Note: Applicant does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111235 (Sub-No. 905), filed April 14, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting liquid animal feed, in bulk, from Manheim, Pa., and Albany, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111261 (Sub-No. 15), filed April 14, 1969. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, 420 State Street, mated, 663 East Main Street, Post Office Box 406, East Point, Ga. 30304. Applicant's representative: Archie B. Culbreth and Guy H. Postell, 2731 Peachtree Street NE., Atlanta, Ga. 30305. Applicant states it intends to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Metal containers and closures for glass containers, from Mineral Wells, Miss., to points in Alabama, Arkansas, Georgia, Louisiana, Missouri, and Tennessee. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111739 (Sub-No. 228), filed April 21, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell Shull, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Papers, records and audit and accounting media of all kinds, and advertising material moving therewith: (a) between points in Baldwin, Barlow, Caithness, Chatham, Cherokee, Cobb, Dawson, DeKalb, Floyd, Forsyth, Fulton, Gilmer, Gordon, Hall, Murray, Pickens, Walker, and Whitfield Counties, Ga., on the one hand, and, on the other, points in Allegheny County, Pa.; (b) between points in Butte, Lawrence, and Mercer Counties, Pa., (c) between points in New Haven County, Conn., on the one hand, and, on the other, points in Cumber-
carriers, by motor vehicle, over irregular routes, transporting: Latex, in bulk, in tank vehicles, from the plantsite of W. R. Grace & Co. at or near Owensboro, Ky., to points in Oregon. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112382 (Sub-No. 111), filed April 10, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, Cushing, Okla., 74023. Applicant's representative: Carl L. Wright, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, and milk products, and articles distributed by meat packhouses, as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, New York, New Jersey, New Hampshire, Ohio, and other states. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 113651 (Sub-No. 127), filed April 14, 1969. Applicant: INDIANA REFRIGERATOR LINES, INC., 29 North Broadway, Muncie, Ind. 47305. Applicant's representative: Rodney Tetrault (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, milk products, and meat byproducts, dairy products, and articles distributed by meat packhouses, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from points in Iowa to points in Indiana, Ohio, Michigan, Illinois, Wisconsin, Iowa, Missouri, Minnesota, North and South Dakota, Nebraska, Colorado, New Mexico, Arizona, California, Oregon, Utah, Colorado, New Mexico, Nevada, and Arizona, restricted to traffic originating at the plantsite and/or storage facilities utilized by Markwestern Packing Co. at Hillsdale, Mich. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 113855 (Sub-No. 193), filed April 17, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 780 North Portland Avenue, Minneapolis, Minn. 55403. Applicant's representative: Alan Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, milk products, and meat byproducts, dairy products, and articles distributed by meat packhouses, as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Illinois, Indiana, Ohio; Waukasha, Milwaukee, Mount Horeb, and Madison, Wis., except those in bulk, in tank trucks. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 114045 (Sub-No. 327), filed April 17, 1969. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, milk products, and meat byproducts, and articles distributed by meat packhouses, as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to pipeline receiving station at or near Rangely, Colo. Note: Applicant states that it intends to tack at points in Colorado and west of
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U.S. Highway 85 and points in Utah serving appropriate Colorado-Utah points. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.


No. MC 118238 (Sub-No. 24) (Republication), filed April 14, 1969, published in FEDERAL REGISTER, Issue of April 30, 1969, and republished in this issue. Applicant: JOHNNY BROWN'S, Inc., 8801 Northwest 74th Avenue, Miami, Fla. 33168. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NW, Atlanta, Ga. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except household goods as defined by the Commission), over interstate routes only; (1) between Jacksonville, Fla., and San Diego, Calif.; (2) from Jacksonville over U.S. Highway 90 to Mobile, Ala., thence over U.S. Highway 80 to San Diego, Calif., and return over the same route (no intermediate points will be served between Jacksonville, Fla., and Key West, Fla., over U.S. Highway 1; (4) between Miami, Fla., and Tallahassee, Fla., over U.S. Highway 27, thence over the same route (no intermediate points will be served between Archer, Fla., and Tallahassee, Fla.). This route for joiner purposes only; (5) between Jacksonville, Fla., and Miami, Fla., over Interstate Highway 95; (6) between Lake City, Fla., and Miami, Fla.: (a) Over U.S. Highway 41 (no intermediate points to be served between Archer, Fla., and Lake City, Fla.). This route for joiner purposes only; and (b) from the intersection of Interstate Highway 75 and Interstate Highway 10, over Interstate Highway 75 to Wildwood, Fla., over the Sunshine State Parkway (Florida's Turnpike) to Miami, Fla., and return over the same route (no intermediate points to be served from the junction of Florida Highway 24 and Interstate Highway 75 to the junction of Interstate Highway 75 and Interstate Highway 10). This route for joiner purposes only; (7) between Wildwood, Fla., and Tampa, Fla., over Interstate Highway 30; (8) between Daytona Beach, Fla., and St. Petersburg, Fla., over Interstate Highway 4; (9) between Ocala, Fla., and Baldwin, Fla., over U.S. Highway 41; (10) between St. Petersburg, Fla., and Tallahassee, Fla., over U.S. Highway 19 (no intermediate points to be served between Older Creek and Tallahassee). This route for joiner purposes only; (11) between Lebanon Station, Fla., and Dunnellon, Fla., over Florida Highway 336; (12) between Lakeland, Fla., and Punta Gorda, Fla.; (13) from Lakeland over U.S. Highway 98 to Bartow, Fla., thence over U.S. Highway 17 to Punta Gorda, and return over the same route; (13) between Orlando, Fla., and Belle Glade, Fla., over U.S. Highway 441; (14) between Jacksonville, Fla., and Orlando, Fla., over U.S. Highway 17; (15) between Palmetto, Fla., and Wildwood, Fla., over U.S. Highway 301; (16) between Port Myers, Fla., and West Palm Beach, Fla.: From Port Myers over Florida Highway 80 to junction of U.S. Highway 27, thence over U.S. Highway 27 to the junction of U.S. Highway 80 and U.S. Highway 441 to Belle Glade, Fla., thence over U.S. Highway 441 to West Palm Beach, and return over the same route; (17) between Tampa, Fla., and Alligator Beach, Fla., over Florida Highway 60; (18) between Bradenton, Fla., and West Palm Beach, Fla.: From Bradenton over Florida Highway 64 to junction of Florida Highway 676, thence over U.S. Highway 875 to junction Florida Highway 70, thence over Florida Highway 70 to junction of Florida Highway 710, thence over Florida Highway 710 to West Palm Beach, and return over the same route; (19) between Ocala, Fla., and Ormond Beach, Fla., over Florida Highway 40; (20) between Orlando, Fla., and Indian Rocks Beach, Fla., over U.S. Highway 98; (21) between Orlando, Fla., and Miami, Fla., over U.S. Highway 301; (22) between San Diego and Crescent City, Calif.: From San Diego over Interstate Highway 5 to San Diego, Calif., and return over the same route, and (23) between Los Angeles and Weed, Calif., over U.S. Highway 99 and Interstate Highway 5; (24) between Yuma, Ariz., and Alligator Beach, Fla., over U.S. Highway 89; (25) between San Francisco, Calif., and Reno, Nev., over Interstate Highway 80; (26) between Blythe and San Bernardino, Calif., over Interstate Highway 10 to Needles, Calif., thence over U.S. Highway 66 to San Bernardino, and return over the same route; (27) between Santa Maria and Greenfield, Calif., from Interstate Highway 5 over San Andreas Fault to junction California Highway 3, thence over California Highway 33 to junction California Highway 118, thence over California Highway 118 to Crescent City, Calif., and return over the same route; (28) between Bakersfield and Barstow, Calif., over California Highway 58; (29) between Gilroy and Fairmead, Calif., over California Highway 152; (30) between Ventura, Calif., and junction California Highways 33 and 152, over California Highway 33; (31) between San Jose and Stockton, Calif., from San Jose over Interstate Highway 5 to junction California Highway 50; (32) between Stockton and Hattieville, Miss., thence over U.S. Highway 50 to Stockton, and return over the same route, and (32) between Mobile, Ala., and Jackson, Miss., over the same route. Authority will be granted to serve all intermediate points on the above described routes in Florida and California. All points in Florida and those in California not on the above described route will be served by the applicant. Authority will be granted to serve all intermediate points on the above described routes in Florida and California. All points in Florida and those in California not on the above described route will be served by the applicant.
be served as off-route points in connection with the otherwise authorized route. No local operations will be performed between points in Florida or between points in California. Applicant holds contract carrier authority under MC-125611 and Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif. Notice: The above issues were published in the Federal Register of April 30, 1969, and interested persons may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif. The purpose of this republication is to postpone the hearing in this proceeding to a time and place to be hereafter fixed. Process shall be filed within 30 days from the date of this publication.

No. MC 119767 (Sub-No. 220), filed April 18, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 109 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan E. Borgen, 109 South Calumet Street, Burlington, Wis. 53105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crude rubber, between Burlington, Wis., and Yankton, S. Dak., and (2) lighter fluid and barbecue base material (vermiculite other than crude) in mixed shipments in the same vehicle with charcoal, from the plantsite or facilities of the Atlantic Lumber Co., and (3) fly ash, in bulk, in tank and hopper type vehicles, from points in Vigo County, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Nebraska, North Dakota, South Dakota, Texas, New Mexico, and California. Notice: Applicant states it does not intend to tack with its present authority where warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 147), filed April 15, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Theodore Poly­doroff, Suite 110, 1140 Connecticut Avenue NW, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Wooden pallets and structural steel, from and to points in Woodford Counties, Ill., and Belle Plaine, Iowa, to points in Illinois, Ohio, and Wisconsin, (2) wooden pallets, from points in Tucker County, W. Va., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, New Mexico, Florida, Wisconsin, and Mississippi, and (3) lumber, from points in Tucker County, W. Va., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, Texas, New Mexico, Wisconsin, Mississippi, Alabama, Florida, Kentucky, Maryland, Maine, Michigan, Missouri, New York, North Carolina, Tennessee, Texas, and Virginia. Notice: Applicant holds contract carrier authority under Docket No. MC 126976 Sub 1 and Sub 2. No local operations will be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.
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Arkansas could be served by tacking if part Wisconsin to Illinois comities listed in therefore dual operations may be in­burg, Calif., to points in Washington west sought to operate as a

If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products, and ma­terials and supplies used in the manufac­turing and distribution of the foregoing commodities (except commodities which, because of size or weight, require the use of special equipment), between points in Erie County, Pa., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minne­sota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. Note: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

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If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

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**Men's underwear, and men's sportswear and other clothing moving in connection therewith, points in plantsite of Munsingwear, Inc., Minneapolis, Minn., on the one hand, and, on the other, the plantsite of Munsingwear, Inc., Ashland, Wis., and Hominy, Okla., under contract with Munsingwear, Inc., Minneapolis, Minn.**

Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126576 (Sub-No. 9), filed April 4, 1969. Applicant: REEVES TRANSPORTATION COMPANY, corporation, 3908 Orleans Street, Detroit, Mich. 48207. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Kentucky, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. Note: Applicant also holds contract authority under MC 128634 Sub-1, therefore dual operations may be involved. Applicant states if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133539 (Sub-No. 3), filed April 3, 1969. Applicant: DICKSON'S TRANSPORT AND COACH LINES (NAPANEE) LIMITED, Rural Route No. 5, Napanee, Ontario, Canada. Applicant's representative: Herbert M. Caniter, 345 South Warren Street, Port Hope, Ont., to points in New York, Pennsylvania, Michigan, Ohio, Vermont, Maryland, New Jersey, New Hampshire, Connecticut, Rhode Island, Delaware, West Virginia, Massachusetts, Maine, Virginia, and the District of Columbia, restricted to shipments originating in Canada. Note: If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

FEDERAL REGISTER, VOL 34, NO. 88—THURSDAY, MAY 8, 1969
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FOURTH SECTION APPLICATIONS FOR RELIEF

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

PFA No. 41630—Sulfuric acid to Nashville, Tenn., filed by W. O. South, at Fort Worth or Dallas, Tex., or Oklahoma City, Okla.

MOTOR CARRIER OF PASSENGERS

No. MC 129644 (Sub-No. 2), filed April 14, 1969. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, N.H. 03820. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage in door-to-door service, limited to the transportation of not more than 17 passengers at one time in one vehicle (not including the driver thereof and children under 10 years of age who do not occupy a seat or seat), in one way and round-trip charter operations, (a) between points in Stroud and Huntingdon Counties, Pa., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and New York, and (b) between points in the United States (excluding Alaska and Hawaii) and points in Wisconsin, Michigan, Illinois, Indiana, Missouri, and Oklahoma, on the one hand, and, on the other, points in Nebraska, Iowa, South Dakota, and Kansas.

By the Commission.

[SEAL]

H. NEIL CARSON,
Secretary.

[F.R. Doc. 69-5441; Filed, May 7, 1969; 8:35 a.m.]
NOTICES

FEDERAL REGISTER, VOL. 34, NO. 88—THURSDAY, MAY 8, 1969

JR., agent (No. A6994), for interested rail carriers. Rates on sulphuric acid, in tank carloads, as described in the application, from Cowan and Pepper, Va., to Nashville, Tenn.

Grounds for relief—Market competition.

TARIF—Supplement 76 to Southern Freight Association, agent, tariff ICC 5-671.

FSA No. 41631—Beet pulp from Lovell and Worland, Wyo. Filed by Southern Freight Association, agent (No. B-32), for interested rail carriers. Rates on beet pulp, as described in the application, in carloads, from Lovell and Worland, Wyo., to points in southwestern territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

TARIF—Supplement 5 to Southwestern Freight Bureau, agent, tariff ICC 4632.

By the Commission.

[SEAL]

H. NEIL GARSON, Secretary.

[F.R. Doc. 69-5508; Filed, May 7, 1969; 9:39 a.m.]

[Section 5a Application No. 99]

NEBRASKA MOTOR CARRIERS’ ASSOCIATION PETROLEUM CARRIERS’ CONFERENCE, INC.

Notice of Application for Approval of Agreement

MAY 6, 1969.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.


Agreement between and among common carriers by motor vehicle governing the joint consideration, negotiation, execution, and ratification of agreements, disposing of the transportation of commodities, in bulk, in tank vehicles, between points generally, but not limited to those, in the States of Arizona, Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL]

H. NEIL GARSON, Secretary.

[F.R. Doc. 69-5506; Filed, May 7, 1969; 8:48 a.m.]

[Erie-Lackawanna Railway Co., AT AL.

Car Distribution

To: 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 vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., May 4, 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.


INTERSTATE COMMERCE COMMISSION,

[SEAL]

R. D. PFÄHLER, Agent.

[F.R. Doc. 69-5505; Filed, May 7, 1969; 9:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 32]

NORFOLK AND WESTERN RAILWAY CO. AND ATCHISON, TOPEKA AND SANTA FE RAILWAY 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) The Norfolk and Western Railway Co. shall deliver to the Atchison, Topeka and Santa Fe Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) Agent R. D. Pfahler shall advise the carriers of all modifications of this direction, and as such carrier shall not be entitled to any excess boxcars delivered beyond the limits of this direction.

[SEAL]

H. NEIL GARSON, Secretary.

[F.R. Doc. 69-5504; Filed, May 7, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 32-A]

ERIE-LACKAWANNA RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY 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) The Erie-Lackawanna Railway Co. shall deliver to the Chicago, Burlington & Quincy 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. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 3, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of the Commission.

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


INTERSTATE COMMERCE COMMISSION,

[SEAL]

R. D. PFÄHLER, Agent.

[F.R. Doc. 69-5506; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 34]
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 carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of empty boxcars delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(5) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(6) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(7) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(8) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(9) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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


INTERSTATE COMMERCE COMMISSION,

[SEAL]

E. D. PFHAFFER,

Agent.

[F.R. Doc. 69-5507; Filed, May 7, 1969; 8:49 a.m.]

[S. O. 1002; Car Distribution Direction No. 52]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY 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) The Penn Central Co. shall deliver to the Chicago, Burlington & Quincy 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. Exceptions: Canadian ownerships.

(b) 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 carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(5) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(6) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(7) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(8) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(9) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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


INTERSTATE COMMERCE COMMISSION,

[SEAL]

R. D. PFHAFFER,

Agent.

[F.R. Doc. 69-5508; Filed, May 7, 1969; 8:49 a.m.]

[S. O. 1002; Car Distribution Direction No. 53]

PENN CENTRAL CO. AND CHICAGO, ROCK ISLAND AND 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) The Penn Central Co. shall deliver to the Chicago, Rock Island and 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. Exceptions: Canadian ownerships.

(b) 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 carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(5) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(6) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(7) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(8) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(9) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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


INTERSTATE COMMERCE COMMISSION,

[SEAL]

R. D. PFHAFFER,

Agent.

[F.R. Doc. 69-5509; Filed, May 7, 1969; 8:49 a.m.]

[S. O. 1002; Car Distribution Direction No. 34-A]

PENN CENTRAL CO. ET AL.

Car Distribution

To: 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:

(1) The distribution direction No. 34 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., May 4, 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.


INTERSTATE COMMERCE COMMISSION, [SEAL]
R. D. Pfahler, Agent.

[F.R. Doc. 69-5510; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 36-A]

PENN CENTRAL CO. ET AL.

Car Distribution

To: 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 vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the American Association of 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 shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.


INTERSTATE COMMERCE COMMISSION, [SEAL]
R. D. Pfahler, Agent.

[F.R. Doc. 69-5511; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 37-A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., Chicago, Burlington & Quincy Railroad 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 vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., May 4, 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 notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.


INTERSTATE COMMERCE COMMISSION, [SEAL]
R. D. Pfahler, Agent.

[F.R. Doc. 69-5512; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 37-A]
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1968/1969

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