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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11470

PRESCRIBING ARRANGEMENTS FOR THE STRUCTURE AND CONDUCT OF A NATIONAL PROGRAM FOR VOLUNTARY ACTION

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *The national voluntary action program.* There shall be undertaken within the executive branch of the government, as provided in this order, a national voluntary action program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems. That program shall supplement corresponding action by private and other non-Federal organizations. As used in this order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens. Such contributions or applications of resources are deemed "voluntary" to the extent they are made without legal compulsion or compensation.

SEC. 2. *Cabinet Committee on Voluntary Action.* (a) There is hereby established a Cabinet Committee on Voluntary Action (hereinafter referred to as "the Committee").

(b) The Committee shall be composed of the following:

The Secretary of Housing and Urban Development (hereinafter referred to as "the Secretary")

The Attorney General

Secretary of Agriculture

Secretary of Commerce

Secretary of Labor

Secretary of Health, Education, and Welfare

Director of the Office of Economic Opportunity and such other heads of departments and agencies as the President may from time to time direct.

(c) The Secretary shall be the Chairman of the Committee.

SEC. 3. *Functions of the Committee.* The Committee shall advise and assist the President with respect to the national voluntary action program and shall perform such other duties as the President may from time to time prescribe. In addition to such duties, the Committee is directed to:

(a) Foster cooperation among the various departments and agencies on programs related to voluntary action.

(b) Promote more widespread reliance on and recognition of voluntary activities.

(c) Provide a focal point through which voluntary organizations can better make their needs and concerns known to the Federal Government.

(d) Advise and participate in the development of new Federal initiatives for encouraging voluntary action.

SEC. 4. *Functions of Secretary of Housing and Urban Development.* The Secretary shall:

(a) Encourage the development and implementation of Federal and non-Federal voluntary activities directed toward the solution or mitigation of problems associated with conditions of urban living or with poverty.

(b) Provide for the development and operation of a clearinghouse for information on private voluntary action, and on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs dealing with problems of urban living or poverty, and coordinate, as consistent with law, Federal activities involving such action.

(d) Cooperate with private organizations in their efforts to stimulate more widespread and effective private voluntary action for attacking problems of urban living or poverty.

(e) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative private voluntary action programs directed toward problems associated with conditions of urban living or poverty.

(f) Perform such other duties with respect to the voluntary action program as the Secretary deems advisable.

SEC. 5. *Responsibilities of departments and agencies.* (a) The head of each Federal department and agency, or a representative designated by him, when so requested by the Secretary, shall, to the extent of authority and available funds, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this order.

(b) The head of each Federal department or agency shall, when so requested by the Secretary, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

(c) The head of each Federal department or agency, or his designated representative, shall keep the Secretary informed of all proposed budgets, plans, and programs of his department or agency affecting the voluntary action program.

SEC. 6. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
May 26, 1969.

[F.R. Doc. 69-6397; Filed, May 26, 1969; 4:45 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that an additional position of Special Assistant to the Assistant Secretary for Metropolitan Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (d) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(6) Two Special Assistants to the Assistant Secretary.

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

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

[F.R. Doc. 69-6319; Filed, May 27, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Special Assistant to the Administrator is now designated as Principal Special Assistant to the Administrator, and that the position of one Confidential Assistant to the Principal Special Assistant is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (b) is amended and paragraphs (m) and (n) are added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(b) Three Special Assistants to the Administrator.

* * * * *

(m) One Principal Special Assistant to the Administrator.

(n) One Confidential Assistant to the Principal Special Assistant to the Administrator.

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

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

[F.R. Doc. 69-6320; Filed, May 27, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Private Secretary to the Counselor is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (u) is added under § 213.3304 as set out below.

§ 213.3304 Department of State.

* * * * *

(u) Office of the Counselor.

(1) One Private Secretary to the Counselor.

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

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

[F.R. Doc. 69-6321; Filed, May 27, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Special Assistant to the Assistant Secretary for Urban Systems and Environment is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (16) is added under paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

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

(16) One Special Assistant to the Assistant Secretary for Urban Systems and Environment.

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

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

[F.R. Doc. 69-6322; Filed, May 27, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Changes in Fees and Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Domestic Rabbits and Edible Products Thereof and U.S. Specifications for Classes, Standards, and Grades With Respect Thereto (7 CFR Part 54), the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55), the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70) as set forth below:

Statement of considerations. The cost of supervising and administering the resident voluntary poultry and egg grading service and providing fringe benefits for resident graders has steadily risen. During the past few years, the grading program has operated on a deficit basis, and the reserve in the Trust Fund has been utilized to cover costs not recovered from industry. The Agricultural Marketing Act of 1946, under which the program

is conducted, requires that fees charged substantially cover the cost of the program.

The cost of supervising and administering the program is recovered primarily in the administrative volume charges. These have not been adjusted since January 1, 1959.

Fringe benefits for graders are provided by adding a percentage factor to the salary. This factor has not been changed since 1960.

Administrative costs for travel are recovered by adding a percentage factor to the amount charged to plants. This factor also has not been changed since 1960.

On the other hand, since 1959, the salaries of supervisory and clerical personnel have increased 62 percent by congressional action.

The costs of travel allowances and public transportation have substantially increased. Other costs such as printing, postage, and related office costs have also markedly increased.

In 1960, a factor of 20 percent of the graders' base salary was established for recovering the agency costs for annual leave, sick leave, retirement, life insurance, and related administrative costs. Since that time, added benefits such as severance pay and special moving cost allowances have been granted to employees.

The previous factor of 20 percent of the base annual salary is equal to 22 percent of the salary charged to the plant. This is true because the plant is not billed while the grader is on annual or sick leave. The amendments increase this factor from 22 to 25 percent to recover the costs for severance pay and special moving allowances and the costs for travel and per diem of all relief graders. Previously, actual travel and per diem costs incurred by relief graders have been charged to the plants. This has not been equitable since the costs were dependent upon the location of the plant.

The amendments raise the administrative volume charges to cover the increases in the salary of supervisors and clerks, increases in supervisory travel costs, clerical costs and other office costs. The percentage increase for the larger plants is greater than for the small plants; however, the per pound or dozen cost remains smaller for the large plants than for the small plants.

The 3 percent increase in the percentage factor for overtime, extra graders, and expenses is in line with the increase in costs of administering the program at both the field and national level.

The cost of inaugurating service in a plant exceeds $500. Previously, a fee of $150 was charged for the final survey and inauguration of service. In addition, charges were made for the initial survey. These fees have been eliminated. The amendments establish a fee of $200 which is paid at the time the application for service is signed. The balance of the cost is recovered over a period of time from the administrative volume charges. This cost cannot be recovered if an application for service is terminated after only a short period of active use. To offset this portion of the unrecovered cost, a charge of $300 has been established for plants that terminate within 12 months from the inauguration of service.

The egg products inspection program has unusual costs peculiar to that program since both USDA laboratories and, in some cases, non-USDA laboratories require special supervision. To recover the costs of this supervision, the amendments provide for a monthly fee of $35 in USDA plants, requiring an inspector who is qualified to perform laboratory analyses, and a $400 yearly fee for non-USDA laboratories requesting approval to perform Salmonella tests.

The total cost of grading per 1,000 pounds of product was reduced from $1.01 per 1,000 pounds in fiscal year 1960 to a low of 76 cents per 1,000 pounds in fiscal year 1967. Although it increased a few cents per pound in 1968 and 1969, the cost based on the new rates will be considerably less per pound than in 1960.

The amendments are as follows:

As to Part 54:

1. Section 54.108 is amended to read:

§ 54.108 Continuous grading performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 54.102.

(a) *Charges.* The charges for grading of domestic rabbits and edible products thereof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 at the time the application for service is signed. If service is not installed within 6 months from the date application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated. A new application may be filed. A charge of $300 if the application is terminated at the request of the applicant within 12 months from date of inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge equal to the cost of the salary paid to each grader assigned to the applicant's plant by C&MS: *Provided*, That (i) no charge will be made for the salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant, and (ii) the charge for the relief grader will be at the same rate of the grader's salary who is replaced.

(4) A charge for the actual cost to C&MS for any expenses incurred at the applicant's request for each grader assigned to the plant while rendering grading service for the applicant.

(5) A charge equal to the rate specified in § 54.101, plus actual cost to C&MS for expenses incurred in rendering service for:

(i) Peak workloads or special work that cannot be performed by graders assigned to the plant on a continuing basis, and (ii) for intermediate surveys to firms without grading service in effect.

(6) A charge equal to 25 percent of each grader's base salary charged to the plant to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.), for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, severance pay, sick leave, annual leave, and related servicing costs.

(7) A charge of 10 percent of: (i) The overtime salary, (ii) the salary paid to each grader in excess of one regular grader and (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

(8) An administrative service charge based upon the aggregate weight of the total monthly volume of all live and ready-to-cook rabbits handled in the plant, and computed in accordance with the following:

$50 for 0 to 100,000 pounds.[1] $71 for 100,001 to 400,000 pounds plus $7 additional for each 100,000 pounds, or fraction thereof, in excess of 400,000 pounds up to 3,000,000 pounds with no additional charge in excess of 3,000,000 pounds.

[1] Also applies where an approved application is in effect and no product is handled.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) C&MS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by C&MS based on the expected demand for service.

(3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS; *Provided*, That in no instance may the graders assume the duties of management.

2. Section 54.111 is hereby deleted.

As to Part 55:

1. A new § 55.65 is added to read:

§ 55.65 Approved laboratory charges.

A charge of $400 shall be made for each non-USDA laboratory requesting approval to perform salmonella tests as required in § 55.77(p) at the time approval is requested and a $400 renewal charge shall be made each July 1st.

2. A new § 55.67 is added to read:

§ 55.67 Charges for continuous inspection performed on a nonresident basis.

When egg products service is furnished on a continuous nonresident basis, the charges and other provisions contained in § 55.68 are applicable with the exception of those in § 55.68(a) (1), (5), (7) (i), (ii), (8), and (9). An administrative charge shall be made by adding 25 percent of the first grader's or inspector's salary costs and 15 percent of each additional assigned grader's or inspector's salary costs. When similar services are furnished to the same applicant under Part 56 or Part 70, the charges listed in this section shall not be repeated.

3. Section 55.68 is amended to read:

§ 55.68 Continuous inspection performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 55.62.

(a) *Charges.* The charges for grading and inspection of egg products shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading and inspection service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 at the time the application for service is signed. If service is not installed within 6 months from the date application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated. A new application may be filed. A charge of $300 if the application is terminated at the request of the applicant within 12 months from date of inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge equal to the cost of the salary paid to each grader or inspector assigned to the applicant's plant by C&MS: *Provided*, That (i) no charge will be made for the salary of any grader or inspector ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant, and (ii) the charge for the relief grader or inspector will be at the same rate of the grader's or inspector's salary who is replaced.

(4) A charge for the actual cost to C&MS for any expenses incurred at the applicant's request for each grader or inspector assigned to the plant while rendering grading or inspection service for the applicant.

(5) A charge equal to the rate specified in § 55.61, plus actual costs to C&MS for expenses incurred in rendering service for: (i) Peak workloads or special work that cannot be performed by graders or inspectors assigned to the plant on a continuing basis, and (ii) for intermediate surveys to firms without grading service in effect.

(6) A charge equal to 25 percent of each grader's or inspector's base salary charged to the plant to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.), for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, severance pay, sick leave, annual leave, and related servicing costs.

(7) A charge of 10 percent of: (i) The overtime salary, (ii) the salary paid to each grader or inspector in excess of one regular grader or inspector, and (iii) all charges made to the applicant for expenses which are paid by C&MS to graders or inspectors assigned to the applicant.

(8) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg) of all egg products handled in the plant and computed in accordance with the following:

$50 for 0 to 100,000 pounds.[1] $70 for 100,001 to 200,000 pounds, plus $15 for each additional 100,000 pounds, or fraction thereof, in excess of 200,000 pounds up to 1 million pounds and $15 for each additional 250,000 pounds, or fraction thereof, thereafter with no additional charge in excess of 2,250,000 pounds.

[1] Also applies where an approved application is in effect and no product is handled.

(9) A charge of $35 per month when the applicant requests an inspector who is qualified to perform any of the laboratory analyses listed in § 55.66.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader or inspector with such information as may be necessary for the performance of the grading and inspection service.

(2) C&MS will provide, as available, an adequate number of graders or inspectors to perform the grading and inspection service. The number of graders or inspectors required will be determined by C&MS based on the expected demand for service.

(3) The grading and inspection service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading and inspection service; or

(iv) Termination of the services pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading and inspection services shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws rules and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders or inspectors will be required to confine their activities to those duties necessary in the rendering of grading and inspection services and such closely related activities as may be approved by C&MS: *Provided*, That in no instance may the graders or inspectors assume the duties of management.

§ 55.70 [Deleted]

4. Section 55.70 is hereby deleted.

As to Part 56:

1. Section 56.52 is amended to read:

§ 56.52 Continuous grading performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 56.47.

(a) *Charges.* The charges for grading of shell eggs shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 at the time the application for service is signed. If service is not installed within 6 months from the date application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated. A new application may be filed. A charge of $300 if the application is terminated at the request of the applicant within 12 months from date of inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge equal to the cost of the salary paid to each grader assigned to the applicant's plant by C&MS: *Provided,* That (i) no charge will be made for the salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant, and (ii) the charge for the relief grader will be at the same rate of the grader's salary who is replaced.

(4) A charge for the actual cost to C&MS for any expenses incurred at the applicant's request for each grader assigned to the plant while rendering grading service for the applicant.

(5) A charge equal to the rate specified in § 56.46, plus actual costs to C&MS for expenses incurred in rendering service for: (i) Peak workloads or special work that cannot be performed by graders assigned to the plant on a continuing basis, and (ii) for intermediate surveys to firms without grading service in effect.

(6) A charge equal to 25 percent of each grader's base salary charged to the plant to cover the cost of C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.), for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees Health Benefits Act of 1959, severance pay, sick leave, annual leave, and related servicing costs.

(7) A charge of 10 percent of: (i) The overtime salary, (ii) the salary paid to each grader in excess of one regular grader and (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

(8) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per month and computed in accordance with the following:

$50 for 0 to 1,000 cases [1] plus $5 for each additional 1,000 cases, or fraction thereof, per month with no additional charge in excess of 45,000 cases.

[1] Also applies where an approved application is in effect and no product is handled.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) C&MS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by C&MS based on the expected demand for service.

(3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS: *Provided,* That in no instance may the graders assume the duties of management.

2. Section 56.54 is amended to read:

§ 56.54 Charges for continuous grading performed on a nonresident basis.

When shell egg grading service is furnished on a continuous nonresident basis, the charges and other provisions contained in § 56.52 are applicable with the exception of those in § 56.52(a) (1), (5), (7) (i), (ii), and (8). An administrative charge shall be made by adding 25 percent of the first grader's salary costs and 15 percent of each additional assigned grader's salary cost. When similar services are furnished to the same applicant under Part 55 or Part 70, the charges listed in this section shall not be repeated.

As to Part 70:

1. Section 70.137 is amended to read:

§ 70.137 Charges for continuous grading performed on a nonresident basis.

When poultry grading service is furnished on a continuous nonresident basis, the charges and other provisions contained in § 70.138 are applicable with the exception of those in § 70.138(a) (1), (5), (7) (i), (ii), and (8). An administrative charge shall be made by adding 25 percent of the first grader's salary costs and 15 percent of each additional assigned grader's salary cost. When similar services are furnished to the same applicant under Part 55 or Part 56, the charges listed in this section shall not be repeated.

2. Section 70.138 is amended to read:

§ 70.138 Continuous grading performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 70.132.

(a) *Charges.* The charges for grading of poultry and edible products thereof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 at the time the application for service is signed. If service is not installed within 6 months from the date application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the

application will be considered terminated. A new application may be filed. A charge of $300 if the application is terminated at the request of the applicant within 12 months from date of inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge equal to the cost of the salary paid to each grader assigned to the applicant's plant by C&MS: *Provided*, That (i) no charge will be made for the salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant, and (ii) the charge for the relief grader will be at the same rate of the grader's salary who is replaced.

(4) A charge for the actual cost to C&MS for any expenses incurred at the applicant's request for each grader assigned to the plant while rendering grading service for the applicant.

(5) A charge equal to the rate specified in § 70.131, plus actual cost to C&MS for expenses incurred in rendering service for: (i) Peak workloads or special work that cannot be performed by graders assigned to the plant on a continuing basis, and (ii) for intermediate surveys to firms without grading service in effect.

(6) A charge equal to 25 percent of each grader's base salary charged to the plant to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.), for Old Age Survivor's Benefits under the Social Security System, retirement benefits, insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, severance pay, sick leave, annual leave, and related servicing costs.

(7) A charge of 10 percent of: (i) The overtime salary, (ii) the salary paid to each grader in excess of one regular grader and (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

(8) An administrative service charge based upon the aggregate weight of the total monthly volume of all live and ready-to-cook poultry handled in the plant, and computed in accordance with the following:

$50 for 0 to 100,000 pounds,[1] $71 for 100,001 to 400,000 pounds, plus $7 additional for each 100,000 pounds, or fraction thereof, in excess of 400,000 pounds up to 3,000,000 pounds, and $7 for each 1,000,000 pounds, or fraction thereof, per month in excess of 3,000,000 pounds with no additional charge in excess of 6,000,000 pounds.

[1] Also applies where an approved application is in effect and no product is handled.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) C&MS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by C&MS based on the expected demand for service.

(3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS: *Provided*, That in no instance may the graders assume the duties of management.

§ 70.142 [Deleted]

3. Section 70.142 is hereby deleted.

Legislation requires that the fees and charges for inspection and grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), be reasonable and shall, as nearly as possible, cover the cost of such services.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. Accordingly, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Issued at Washington, D.C., this 23d day of May, 1969, to become effective on July 1, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-6303; Filed, May 27, 1969; 8:45 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 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Claiborne, East Baton Rouge, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Natchitoches, Orleans, Ouachita, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West

Baton Rouge, West Feliciana, and Winn Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. The entire State;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Arthur, Banner, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Madison, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. The entire State;

Ohio. The entire State;

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmonds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorten, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. The entire State;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

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

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Palm Beach County in Florida; Ouachita Parish in Louisiana; Grant, Lincoln, Morrill, Sheridan, and Thomas Counties in Nebraska; Cleveland and Comanche Counties in Oklahoma; Brule County in South Dakota; Austin, Nacagdoches, Panola, Upshur, and Wood Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. 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 23d day of May 1969.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-6340; Filed, May 27, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-CE-88]

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

Alteration of Federal Airway

On March 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5658) stating that the Federal Aviation Administration proposed an amendment to Part 71 of the Federal Aviation Regulations that would designate a 1,200 feet AGL east alternate to VOR Federal airway No. 73 from Wichita, Kans., to Salina, Kans.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

In V-73, all after "184° radials;" is deleted and "12 AGL Salina, including a 12 AGL last alternate from Wichita to Salina via INT Wichita 356° and Salina 169° radials." is substituted therefor.

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

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6336; Filed, May 27, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WA-17]

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

Designation of Additional Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate controlled airspace for the safety of aircraft conducting instrument flight rule operations in the North Slope area of Alaska.

On April 11, 1969, F.R. Doc. 69-4374 was published in the FEDERAL REGISTER (34 F.R. 6376) amending Parts 71 and 75 of the Federal Aviation Regulations by designating certain terminal and en route controlled airspace to support

instrument flight rule operations in the North Slope area of Alaska. Due to the rapid increase in air traffic and the severe weather conditions in this area, an additional route is necessary to provide increased access to the North Slope area. Therefore, action is taken herein to designate an additional control area from Fort Yukon, Alaska, to Flaxman Island, Alaska, to accommodate a direct route between these two points.

Since this amendment is in the interest of safety and is needed immediately, the Administrator has determined that notice and procedure hereon are impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

In § 71.163 (34 F.R. 4549) the following is added:

FORT YUKON, ALASKA

From the Fort Yukon, Alaska, VOR 12 AGL to Flaxman Island, Alaska, RBN.

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

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6338; Filed, May 27, 1969; 8:48 a.m.]

[Airspace Dockets Nos. 68-EA-75, 68-WA-15]

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

Designation, Alteration, and Revocation of Transition Areas; Correction

On March 26, 1969, F.R. Doc. 69-3509 was published in the FEDERAL REGISTER (34 F.R. 5647) that amended Part 71 of the Federal Aviation Regulations. Subsequently, on April 4, 1969, F.R. Doc. 69-3961 (34 F.R. 6076) was published amending that same part. Both regulatory actions contained typographical errors in the description of the designation of controlled airspace. Accordingly, action is taken herein to correct these discrepancies.

Airspace Docket No. 68-EA-75 (F.R. Doc. 69-3509) erroneously recited a geographic position in the West Virginia transition area. In Airspace Docket No. 68-WA-15 (F.R. Doc. 69-3961), a portion of the description of the 2,000-foot floor portion of the Florida transition area southwest of Fort Myers, Fla., is in error.

Since these corrections do not designate additional controlled airspace and are minor in nature, notice and public procedure hereon is unnecessary, and for those reasons may be made effective in less than 30 days.

Inasmuch as these corrections may be made effective in less than 30 days, the effective date of the aforementioned Airspace dockets will remain May 29, 1969.

In consideration of the foregoing, F.R. Doc. 69-3509 and F.R. Doc. 69-3961 are amended, effective immediately, as hereinafter set forth:

1. F.R. Doc. 69-3509 is amended as follows:

In the West Virginia transition area (34 F.R. 5647), delete "lat. 38°24'10" N." and substitute "lat. 39°15'10" N." therefor.

2. F.R. Doc. 69-3961 is amended as follows:

In the 2,000-foot portion of the Florida transition area (34 F.R. 6076), delete "* * * 25-mile radius circle centered on the Fort Myers VORTAC" and substitute "20-mile radius circle centered on the Fort Myers VORTAC" therefor.

(Sec. 307(a), 1110 Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6339; Filed, May 27, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-46]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the name of the controlling and using agencies of Restricted Area R-5202 Gardiner's Island, N.Y.

Since this amendment is minor in nature and one in which the public is not particularly interested, notice and public procedure hereon are unnecessary and for that reason this amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 73.52 (34 F.R. 4840) is amended, effective immediately, as follows:

In R-5202 "Controlling agency: FAA, New York ARTC Center." and "Using agency: Commander, Suffolk Air Force Base, N.Y." are deleted and "Controlling agency: FAA, Quonset RATCC." and "Using agency: Commander, Fleet Air Quonset, Naval Air Station, Quonset Point, R.I." are substituted therefor.

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

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6337; Filed, May 27, 1969; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following citations of authority are amended to read as set forth below.

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 532—PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT PERSONNEL

1. The citation of authority for Part 532 is changed to read as follows:

AUTHORITY: The provisions of this Part 532 issued under secs. 602(f), and 603, 76 Stat. 483, 484; 37 U.S.C. 602(f), 603.

PART 533—CLAIMS OF SURVIVORS OF DECEASED PERSONNEL

2. The citation of authority for §§ 533.20–533.24, in Part 533, is changed to read as follows:

AUTHORITY: Sections 533.20 to 533.24 issued under secs. 2771, 3012, 70A Stat. 155, 157; 10 U.S.C. 2771, 3012.

PART 536—CLAIMS AGAINST THE UNITED STATES

3. The citation of authority for §§ 536.50–536.57 is changed to read as follows:

AUTHORITY: Sections 536.50 to 536.57 issued under secs. 1481, 3012, 70A Stat. 112, 157, sec. 5742, 80 Stat. 507; 5 U.S.C. 5742, 10 U.S.C. 1481, 3012.

4. The citation of authority for §§ 536.70–536.78 is changed to read as follows:

AUTHORITY: Sections 536.70 to 536.78 issued under sec. 3012, 70A Stat. 157, secs. 2101–2105, 72 Stat. 1222–1224; 10 U.S.C. 3012, 38 U.S.C. 2101–2105.

SUBCHAPTER C—MILITARY EDUCATION

PART 542—SCHOOLS AND COLLEGES

5. The citation of authority for Part 542 is changed to read as follows:

AUTHORITY: The provisions of this Part 542 issued under secs. 3012, 4651, 70A Stat. 157, 260, sec. 201, 78 Stat. 1069; 10 U.S.C. 2111, 3012, 4651.

SUBCHAPTER E—ORGANIZED RESERVES

PART 562—RESERVE OFFICERS' TRAINING CORPS

6. The citation of authority for Part 562 is changed to read as follows:

AUTHORITY: The provisions of this Part 562 issued under secs. 2001, 3012, 70A Stat. 119, 157, secs. 2031, 2101–2111, 78 Stat. 1064; 10 U.S.C. 2001, 2031, 2101–2111, 3012.

SUBCHAPTER F—PERSONNEL

PART 581—PERSONNEL REVIEW BOARDS

7. The citation of authority for § 581.1 is changed to read as follows:

(Sec. 1554, 72 Stat. 1267, sec. 3012, 70A Stat. 157; 10 U.S.C. 1554, 3012)

8. The citation of authority for § 581.2 is changed to read as follows:

(Sec. 1553, 72 Stat. 1267, sec. 3012, 70A Stat. 157; 10 U.S.C. 1553, 3012)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-6299; Filed, May 27, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Lower Monumental Dam Navigation Lock and Approach Channels, Snake River, Wash.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.717 is hereby prescribed governing the use, administration, and navigation of the Lower Monumental Dam Navigation Lock and Approach Channels in Snake River, Wash., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.717 Lower Monumental Dam Navigation Lock and Approach Channels, Snake River, Wash.; use, administration, and navigation.

(a) *General.* The lock and its approach channels, and all its appurtenances, shall be under the jurisdiction of the District Engineer, Corps of Engineers, U.S. Army, in charge of the locality. His representative at Ice Harbor Dam shall be the Project Engineer, who shall customarily give orders and instructions to the lock master and assistant lock masters in charge of the lock. Hereinafter, the term "lock master" shall be used to designate the lock official in immediate charge of the lock at any given time. In case of emergency and on all routine work in connection with the operation of the lock, the lock master shall have authority to take such steps as may be immediately necessary without waiting for instructions from the Project Engineer.

(b) *Immediate control.* The lock master shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules, and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. It shall be the duty of the Project Engineer to establish lines of succession for the men operating the lock on all shifts in order that in case of absence or accident to the designated lock master, one of his assistants will immediately assume the position of lock master.

(c) *Authority of lock master.* No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lock master or his assistants.

(d) *Signals*—(1) *Sound.* All craft desiring lockage shall signal by two long and two short blasts of their whistle, delivered at a distance of one-half mile from the lock. When the lock is ready for entrance, notice will be given by one long blast. Permission to leave the lock will be given by one short blast.

(2) *Visual.* Visual signals are located outside each lock gate and will be used in conjunction with the sound signals. When the green light is on, the lock is ready for entrance and vessels may enter under full control. When the red light is on, the lock cannot be made ready immediately and the vessel shall stand clear.

(3) *Radio.* The lock is equipped with two-way radio operating on frequencies of 156.8000 MHz and 156.6500 MHz. These frequencies are monitored by the lock master. Vessels equipped with two-way radio may communicate with the crew operating the lock but communications or signals so received will only augment and not replace the sound and visual signals.

(e) *Permissible dimensions of boats.* Single tows aggregating 650 feet or less in length and 84 feet or less in width will be permitted to lock through without disassembly. At normal pool elevation of 540 feet above m.s.l., the depth of water over the upstream gate sill will be 19 feet. The upstream sill elevation is 521 feet m.s.l. The depth of water over the downstream gate sill will depend upon the flow in the river but will usually exceed 18 feet when Ice Harbor Pool is at 440 feet m.s.l. The downstream gate sill elevation is 422 feet m.s.l. Gauges are located on the guide walls at each end of the lock and on the lock walls at each end. These gauges indicate water surface elevations in feet above m.s.l. Depth of water over the sills should be calculated before entrance into the lock. A craft must not attempt to enter the lock if its beam and length are greater than the above-indicated dimensions or if its draft exceeds the calculated depth over the sills with adequate allowances for safe clearances.

(f) *Precedence at lock.* Ordinarily the boat arriving before all others at the lock will be locked through first; however, depending upon whether the lock is full or empty, this precedence may be modified at the discretion of the lock master if boats are approaching from the opposite direction and are within reasonable distance of the lock at the time of the approach by the first boat. When several boats are to pass, precedence shall be given as follows:

First. Boats and craft owned by the United States and engaged upon river and harbor improvement work.
Second. Freight and tow boats.
Third. Rafts.
Fourth. Passenger boats.
Fifth. Small vessels and pleasure craft.

(g) *Loss of turn.* Boats that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

(h) *Multiple lockage.* The lock master shall decide whether one or more vessels may be locked through at the same time.

(i) *Speed.* Vessels shall not be raced or crowded alongside another in the approach channels. When entering the lock, speed shall be reduced to a minimum consistent with safe navigation. As a general rule, when a number of vessels are entering the lock, the following vessel shall remain at least 200 feet astern of the vessel ahead.

(j) *Lockage of small boats*—(1) *General.* The lockage of pleasure boats, skiffs, fishing boats, and other small craft will be coordinated with the lockage of commercial craft, other than barges handling petroleum products or highly hazardous materials. If no commercial craft are scheduled to be locked through within a reasonable time not to exceed one hour after the arrival of the small craft at the lock, separate lockage will be made for such small craft.

(2) *Signal stations.* Pull-cord signal stations marked by large instructional signs are located near the end of the upstream and downstream lock entrance walls. Small boat operators desiring lockage may pull the cord to signal the lock master.

(3) *Entering and exit signals.* Visual signal lights are located outside each lock gate. When the green light is on, the lock is ready for entrance and vessels may enter under full control. When the red light is on, the lock is not ready for entrance and the vessel shall stand clear. In addition to the above visual signals, the lock master will signal that the lock is ready for entrance by sounding one long blast on the lock air horn. The lock master will signal that the lock is ready for exit by sounding one short blast on the air horn.

(k) *Mooring in lock.* All boats, rafts, and other craft when in the locks shall be moored by head and spring lines and such other lines as may be necessary to the fastenings provided for that purpose, and the lines shall not be released until the signal is given for the vessel to leave the lock. (Do not moor to stationary bits or ladders.)

(l) *Mooring in approaches prohibited.* The mooring or anchoring of boats or other craft in the approaches to the lock where such mooring will interfere with navigation through the lock is prohibited. Rafts to be passed through the lock shall be moored so as not to interfere with navigation through the lock or its approaches, and, if the raft is to be divided into sections for locking, the sections shall be brought into the lock as directed by the lock master. After passing through the lock, the sections shall be reassembled at such a distance from the entrance so as not to obstruct or interfere with navigation through the lock and approaches.

(m) *Waiting for lockage.* Boats and tows waiting downstream of the dam for lockage shall wait in the clear downstream of the navigation lock approach channel, or contingent upon prior radio clearance of the lock master, may at their own risk lie inside the 250-foot approach channel alongside the north shore: *Provided,* That a 150-foot wide open channel is maintained between the boat or tow and the offshore guide wall. Vessels waiting upstream of the dam for lockage may lay to against the offshore floating guide wall provided they remain not less than 400 feet upstream of the upstream lock gate. In either event, a clear channel not less than 150 feet wide shall be kept open to accommodate passing traffic.

(n) *Delay in lock.* Boats or barges must not obstruct navigation by unnecessary delay in entering or leaving the lock.

(o) *Damage to lock or other structures.* The regulations contained in this section shall not affect the liability of the owners and operators of vessels for any damage by their operations to the lock or other structures. They must use great care not to strike any part of the lock, any gate or appurtence thereto, or machinery for operating the gates, or the walls protecting the banks of the approach channels. All boats with metal nosings or projecting irons, or rough surfaces which may damage the gates or lock walls, will not be permitted to enter the lock unless provided with suitable buffers and fenders.

(p) *Tows.* Persons in charge of vessel towing a second vessel or barge by lines shall take the second vessel or barge alongside at a distance of at least 300 feet from the lock gate toward which the vessel is approaching and keep it alongside until at least 300 feet clear of the gate at the end from which it is departing.

(q) *Crew to move craft.* The masters in charge of tows and the persons in charge of tows and the persons in charge of rafts and other craft must provide a sufficient number of men to move barges, rafts, and other craft into and out of the lock easily and promptly.

(r) *Handling valves, gates, bridges, and machinery.* No person, unless authorized by the lock master, shall open or close any bridge, gate, valve, or operate any machinery in connection with the lock, but the lock master may call for assistance from the master of any boat using the lock, should such aid be necessary, and when rendering such assistance, the men so employed shall be strictly under the orders of the lock master. Masters of boats refusing to give such assistance when it is requested of them may be denied the use of the lock by the lock master.

(s) *Landing of freight.* No one shall land freight or baggage on or over the walls of the lock so as in any way to delay or interfere with navigation or the operations of the lock. Freight and baggage consigned to Lower Monumental Project shall be landed only at such places as are designated by the lock master or his assistants.

(t) *Refuse in locks.* No material of any kind shall be thrown or discharged into the lock, and no material of any kind shall be deposited in the lock area.

(u) *Statistics.* On each passage through the lock, masters or pursers of vessels shall make to the lock master such written statement of passengers, freight, and registered tonnage and other information as are indicated on forms furnished such masters or pursers by the lock masters.

(v) *Persistent violation of regulations.* If the owner or master of any boat persistently violates the regulations of this section after due notice of the same, the boat or master may be refused lockage by the lock master at the time of violation or subsequent thereto if deemed necessary in the opinion of the lock master to protect Government property and works in the vicinity of the lock.

(w) *Restricted areas.* (1) All the waters described in subparagraphs (2) and (3) of this paragraph are restricted to all boats except those of the U.S. Coast Guard and Corps of Engineers.

(2) All of the waters downstream of the dam which are bounded on the north by the dam, on the south by the guide wall, on the east by the shore of the river, and on the west by a line approximately one-fourth mile downstream of the dam, the south end of which is indicated by the downstream end of the guide wall and thence on a line bearing 320°24'09" True to the north shore.

(3) All waters within a distance of about 2,220 feet above the dam lying north of the navigation channel leading to the lock. This restricted area is bounded by a line commencing at the upstream end of the fixed guard wall and running in a direction of 80°25'47" True for a distance of 740 yards, thence 320°-24'09" True across the river to the north shore.

[Regs., May 8, 1969, 1507-32 (Snake River, Wash.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-6300; Filed, May 27, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

REVISION OF GSA FORM 1424, GSA SUPPLEMENTAL PROVISIONS, AND MISCELLANEOUS AMENDMENTS OF CHAPTER

Chapter 5A is amended as follows:

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

1. Section 5A-1.311 is amended to read as follows:

§ 5A-1.311 Priorities, allocations, and allotments.

(a) Guidelines and procedures for the application of DO priority ratings to FSS contracts and delivery orders are set forth in GSA Order FSS 2800.13A, dated June 13, 1967. When the contract or any delivery order thereunder is to be priority rated, the appropriate rating symbol (DO K-1, DO D-7, etc.) or notation "see delivery order", shall be entered in Block 3 of SF 33, Solicitation, Offer, and Award, and the following clause shall be included in each solicitation:

PRIORITIES, ALLOCATIONS, AND CONTROLLED MATERIALS

If this contract or any delivery order thereunder is rated and certified for national defense use (see Block 3 on the face of Standard Form 33), the Contractor shall follow the provisions of BDSA Regulation 2 and/or DMS Regulation 1 in obtaining controlled materials and other products and materials needed to fulfill the requirements of this contract.

(b) Criteria and procedures for requesting assistance from the U.S. Department of Commerce, Business and Defense Services Administration (BDSA) under the Defense Materials System are set forth in GSA Order. FSS 2800.21, dated April 26, 1968.

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

1. Subparagraph (e) (1) of § 5A-2.201-70 is amended to read as follows:

§ 5A-2.201-70 Forms to be used.

* * * * *

(e) Supplemental provisions and special program bidding terms.

(1) GSA Form 1424, GSA Supplemental Provisions, March 1969 edition. This form shall be incorporated by reference in each invitation for bids by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, March 1969, edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.

* * * * *

2. Paragraph (d) of § 5A–2.201–71 is amended to read as follows:

§ 5A–2.201–71 Special minimum bid acceptance time requirements.

* * * * *

(d) Where the use of a special bid acceptance time requirement has been approved, the provision in § 1–2.201(a)(15), with the appropriate number of days to be inserted shall be included in the Invitation for Bids. The number of days to be inserted shall be the minimum reasonable necessary for prompt evaluation and award under the circumstances.

§ 5A–2.201–72 [Reserved]

3. The text of § 5A–2.201–72 is deleted.

4. Section 5A–2.201–73 is amended to read as follows:

§ 5A–2.201–73 "All or None" bids.

(a) Where an invitation provides for award on an item-by-item basis, it is not considered in the Government's interest to be required by an "all or none" bid, to evaluate the bids as though an aggregate award was being made. If estimated quantities are set forth in the solicitation, any award made using such estimates as a basis for bid evaluation can be subject to attack if the estimates are inaccurate. Therefore, when an invitation calls for item-by-item awards, a bid on an all or none basis will not be considered unless the bid is low on all items to which the all or none qualification applies. It is only under these circumstances that we can be sure that the award is being made to the low bidder.

(b) On the other hand, where an invitation calls for awards in the aggregate for various groups of items, dependable and accurate weights must be included in the solicitation. If we have enough faith in those estimates to rely upon them for the purpose of making the award of the aggregate group, then there is no reason not to award to an all or none bidder offering the lowest overall prices, simply because that bidder is not low on each aggregate.

(c) Therefore, the general rule should be that where an all or none qualification applies only to groups of items being procured in the aggregate, the bid may be considered even if it is not low on each group. On the other hand, where the all or none qualification applies to individual items or to a combination of individual items and aggregate groups of items, the bid should not be considered unless it is low on all the individual items.

(d) The following clause shall be included in solicitations where estimated quantities are to be used as a basis for bid evaluation. See §§ 1–2.404–5 and 5–2.407–50 for additional instructions concerning "All or None" bids.

"ALL OR NONE" BIDS

(Applicable only to requirements and indefinite quantity contracts.) A bid submitted on an "all or none" or similar basis will not be considered unless the bid is low on each item to which the "all or none" bid is made applicable. The term "item" as used in this clause refers only to items which, under the terms of the solicitation, may be independently awarded and does not include any group of items on which an award is to be made in the aggregate.

5. Section 5A–202–70 is revised to read as follows:

§ 5A–2.202–70 Unsolicited samples, descriptive literature, or brand name references.

The following provision shall be inserted in each invitation for bids:

UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE OR BRAND NAME REFERENCES

If bid samples, descriptive literature, or references to brand names are not required by the invitation for bids, but are furnished with a bid, they will not be considered as qualifying the bid, and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention to so qualify the bid. The Government, under these circumstances, will not be responsible for determining in advance of award whether an offered item complies with specifications. Therefore, a bid will be considered qualified and will be rejected forthwith and without examination or testing of the item offered, whenever such bid, as submitted, will require the Government to accept performance in accordance with the sample, descriptive literature, or brand reference rather than permitting the Government to insist on performance in accordance with specifications.

PART 5A–7—CONTRACT CLAUSES

1. The table of contents and §§ 5A–7.000, 5A–7.101, 5A–7.101–2, 5A–7.101–4, 5A–7.101–5, 5A–7.101–6, 5A–7.101–8, 5A–7.101–10, 5A–7.101–11, 5A–7.101–23, 5A–7.101–35, 5A–7.101–71, 5A–7.101–72, 5A–7.101–73, 5A–7.101–75, 5A–7.101–76, 5A–7.101–77, 5A–7.101–78, 5A–7.101–79, 5A–7.101–80, 5A–7.101–81, 5A–7.101–83, 5A–7.101–84, 5A–7.170, 5A–7.170–1, 5A–7.170–3, 5A–7.170–5, 5A–7.170–7, 5A–7.170–11, and 5A–7.170–12, are amended to read as follows:

§ 5A–7.000 General.

Prior to execution, all proposed contracts which involve nonstandard financial provisions shall be cleared with the appropriate finance office in accordance with § 5–30.212(c).

Subpart 5A–7.1—Fixed Price Supply Contracts

§ 5A–7.101 Clauses.

(a) Except for small purchases made pursuant to Subpart 1–3.6, or as otherwise provided, the contract clauses prescribed in this subpart shall be used in all contracts for the procurement of personal property and nonpersonal services.

(b) The contract clauses contained in Standard Form 32, General Provisions (Supply Contract), shall be used in all contracts not exempted in paragraph (a) of this section. The solicitation portion of Standard Form 33, Solicitation, Offer, and Award, incorporates Standard Form 32 by reference.

§ 5A–7.101–2 Changes (Delivery Options).

Except for Federal Supply Schedule contracts, the following clause shall be used to amplify the Changes article of Standard Form 32.

CHANGES—DELIVERY OPTIONS AND ADJUSTMENTS IN TRANSPORTATION COSTS (Applicable except for Federal Supply Schedule contracts)

Within the scope of Article 2 of Standard Form 32, the right is reserved by the Government at its option to:

(a) Direct deliveries to destinations or to consignees other than those originally named in the contract for any part or all of the quantities originally stipulated in the contract;

(b) Direct shipments in quantities which will require a differential in rates from those on which the contract prices are based; and

(c) Direct the Contractor to ship by a mode of transportation other than stipulated in the contract.

The rights reserved above may be exercised with respect to individual orders by any office authorized to place orders under the contract. When delivery to a destination

other than one named in the contract is directed, the contractor shall deduct from his invoice the lowest transportation charges that would have applied for the diverted quantity as a separate shipment to the contract destination, and shall add, as a separate item, the lowest transportation charges applicable to the quantity delivered. Except where the adjustment is less than $25, such determinations shall be augmented by the contractor's submission of (i) his calculations of the lowest transportation charges that would have applied for delivery to the original destination and (ii) any freight bills or express receipts issued reflecting payments actually made. If no such bills or receipts were issued, an explanatory statement shall be submitted. If more than one destination is named in the contract, the charges that would have applied shall be those applicable to the destination named in the contract which is nearest the destination to which delivery is actually made. Distances between destinations shall be determined by reference to the current Household Goods Carriers' Bureau Mileage Guide. If two or more contract-named destinations are equidistant from the destination to which delivery is actually made, the destination yielding the lowest price to the Government shall be used. In making the foregoing computations, the transportation charges used will, in all cases, be the lowest regularly established rates on file with the Interstate Commerce Commission, the U.S. Maritime Commission, any State Regulatory Body, or Legal Contract Carrier Rates, provided a certified copy of such Legal Contract Carrier Rates is on file with this Administration or accompanies the Contractor's invoice for payment.

§ 5A–7.101–4 Variation in quantity.

(a) The following variation in quantity clause shall be used to provide a standard or usual percentages of variation in quantity which may be authorized when the variation is caused by conditions specified in Article 4 of Standard Form 32.

VARIATION IN QUANTITY

A variation in quantity, when caused by the conditions specified in Article 4 of Standard Form 32 will be accepted: *Provided*, That such variation is not in excess of three percent of the quantity ordered. Before any quantity in excess of the exact quantity specified in the order is shipped, the contractor shall advise the contracting officer (or ordering officer in the case of Federal Supply Schedule contracts) of his intentions and furnish such information as the contracting officer (or ordering officer in the case of Federal Supply Schedule contracts) may deem necessary to determine that the variation was caused by the conditions specified in Article 4 of Standard Form 32. If the contractor fails to obtain the specific approval of the overshipment by the contracting officer (or ordering officer in the case of Federal Supply Schedule contracts) prior to making shipment, any excess over the exact amount of the order shall be rejected forthwith and shall be conclusively presumed to have been a variation not caused by the conditions specified in Article 4 of Standard Form 32.

(b) The Variation in Quantity clause set forth in (a) above, is included in GSA Form 1424, Supplemental Provisions, solely for the purpose of administrative convenience in avoiding the need to amend contracts or purchase orders when an overshipment or an undershipment is determined to be acceptable. The inclusion of the standard clause is in no way intended to establish a general policy with respect to the extent to which FSS or the agencies it serves will accept variations in quantity. The standard clause shall be modified to substitute a lower or higher percentage wherever necessary or appropriate in the light of known industry conditions. For example, a higher percentage may be appropriate when procuring bulk commodities such as coal, sand, gravel, etc. On the other hand, there is no need to provide for variations in quantity in contracts for such items as motor vehicles, heavy equipment, and office machines.

(c) When no variation in quantity will be permitted, the following clause shall be included in the solicitation.

VARIATION IN QUANTITY

Article 4, Variation in Quantity, of GSA Form 1424, Supplemental Provisions, March 1969 Edition, is hereby deleted and no variation in quantity shall be permitted in deliveries under this contract.

(d) For stock items, if the stock item purchase description card (see § 5A–72.102) bears a notation indicating that no variation or a different percentage variation is to be permitted, the clause in paragraph (a) above shall be modified to show the permissable variation for the particular item being procured or the clause in paragraph (c) used when no variation is to be permitted.

§ 5A–7.101–5 Inspection.

In addition to Article 5 of Standard Form 32, the following clause shall be used:

INSPECTION

(a) *Additional Costs of Inspection and Testing.* The Contractor will be charged for any additional costs of Government inspection and test when (1) supplies are not ready at the time such inspection and test is requested by the Contractor, or (2) when reinspection or retest is necessitated by prior rejection. See Article 5(c) of Standard Form 32. When such inspection and test is performed by or under the direction of the General Services Administration, charges will be at the rate of $7 per man-hour if the inspection is at a GSA depot, $10 per man-hour, plus travel costs incurred, if the inspection is at any other location, and $10 per man-hour for laboratory testing; except that when a testing facility other than a Federal Supply Service laboratory performs all or part of the required tests, the Contractor shall be assessed the actual amount of the costs incurred by the Government as a result of testing in such a facility. When inspection is performed by or under the direction of any agency other than the General Services Administration, the same charges may be used or such agency may assess their costs for performing the inspection and testing.

(b) *Contractor Inspection Responsibility.* The inspection system required to be maintained by the Contractor under Article 5(e) of Standard Form 32 may be the Contractor's own facilities or any other inspection facilities or services acceptable to the Government. It shall be utilized to perform all inspection and tests of materials and components prior to incorporation into end articles and for such end articles prior to offering the end articles for delivery under the contract. The right is reserved to the Government to evaluate the acceptability and effectiveness of the Contractor's inspection system prior to award and periodically during the contract period. In no event shall the Government's right to inspect and test completely any and all lots offered for delivery under the contract be waived. Failure of the Contractor to maintain an acceptable inspection system as provided in Article 5(e) and in this clause may result in termination of the contract under Article 11 of the General Provisions.

(c) *Quality Assurance Agreement.* All of the terms and conditions of any existing Quality Assurance Agreement entered into by the Contractor and/or his supplier and the Government are hereby incorporated in this contract and made a part thereof.

(d) *Inspection and Receiving Reports.* When supplies will be inspected on the premises of the Contractor or a subcontractor, the Contractor shall be responsible for preparation and distribution of inspection documents as follows: (i) DD Form 250, Material Inspection and Receiving Report, for deliveries to military agencies, or (ii) GSA Form 308, Notice of Inspection, for deliveries to GSA or other civilian agencies. When required, the Contractor will be furnished a supply of GSA Form 308 and/or DD Form 250, and complete instructions for their accomplishment and distribution.

(e) *Point of Acceptance.* (See clause in § 5A–14.203.)

§ 5A–7.101–6 Responsibility for Supplies (Rejected Supplies).

The following shall be inserted in all solicitations for supplies.

RESPONSIBILITY FOR SUPPLIES (REJECTED SUPPLIES)

As provided in Article 6 of Standard Form 32, the Contractor shall bear all risks as to rejected supplies after notice of rejection. The Contractor shall be liable for all costs, including but not limited to storage costs, incurred by the Government in taking such measures as are expedient to save unnecessary loss to the Contractor. Should the Contractor upon due notice fail to remove or provide instructions for the removal of such rejected supplies within the period specified by the Government, the supplies may be sold to the highest bidder on the open market and the proceeds shall be applied against the accumulated storage and other costs, including costs of the sale.

§ 5A–7.101–8 Assignment of claims.

(a) See FPR Subpart 1–30.7 concerning policies and procedures relating to assignment of claims.

(b) When entering into requirement type of indefinite quantity contracts, the Assignment of Claims clause, prescribed in § 1–30.703 shall be supplemented by the addition of the following clause:

ASSIGNMENT OF CLAIMS

If this is a requirements or indefinite quantity contract, Article 8(a) of Standard Form 32 is inapplicable and the following is substituted therefor:

In order to prevent confusion and delay in making payment, no claim or claims for all moneys due or to become due under this contract shall be assigned by the Contractor; but it shall be permissible for the Contractor to assign separately to a bank, trust company, or other financing institution, including any Federal lending agency, in accordance with the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), all moneys due or to become due under any particular purchase order amounting to $1,000 or more issued by any Government activity or agency under this contract. Any such assignment shall be

effective only if and when the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with the officer issuing such purchase order, in addition to complying with the filing requirements set forth in clause 4 of the proviso in said Act, as amended. Notwithstanding any other provisions of this contract, payments to an assignee of any moneys due or to become due under any purchase order assigned as provided herein shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff.

(c) Procedure upon receipt of notice of assignment. The contracting officer shall obtain advice from the Regional Counsel or General Counsel, as appropriate, as to the legality of the assignment and the true copy of the instrument of assignment in accordance with § 1–30.706.

§ 5A–7.101–10 Examination of Records.

In addition to the Examination of Records clause in Standard Form 32, the clause, Examination of Records by GSA, shall be used on a case-by-case basis as prescribed in § 5–53.303.

§ 5A–7.101–11 Default.

In addition to Article 11 of Standard Form 32, the following clause shall be included in Federal Supply Schedule contracts:

DEFAULT

In addition to Article 11 of Standard Form 32, the following shall apply with respect to Federal Supply Schedule contracts only:
(a) * * *
(b) * * *

§ 5A–7.101–23 Liquidated damages.

See FPR 1–1.315 and 5A–1.315–2.

§ 5A–7.101–35 Late offers and modifications or withdrawals.

The following provision shall be included in all invitations for bids:

MEANING OF GOVERNMENT INSTALLATION

The term "government installation," as used in paragraph 8 of Standard Form 33A, shall mean only the offices, buildings, or facilities of the Government which are normally serviced by the same mailroom which services mail addressed in compliance with the instruction of Block 8 of Standard Form 33. Delivery to any other office, building, or facility of the Government shall not constitute delivery to the "government installation" for the purpose of paragraph 8 of Standard Form 33A, notwithstanding any relationships which may be shown to exist between the government installation to which the mail should have been delivered and the destination to which it was in fact delivered or any reason which may be advanced to explain the delivery to other than the specified "government installation."

§ 5A–7.101–71 Offer of former Government property.

The following clause shall be included in all solicitations:

* * * * *

§ 5A–7.101–72 Interpretation of contract requirements.

The following clause shall be included in all solicitations:

INTERPRETATION OF CONTRACT REQUIREMENTS

No interpretation of any provision of this contract, including applicable specifications, shall be binding on the Government unless furnished or agreed to in writing by the Contracting Officer or his designated representative.

§ 5A–7.101–73 Delivery terms (meaning of).

Standard contract delivery terms shall be used in accordance with the provisions of FPR 1–19.3. The following clause shall be used to make reference to these delivery terms:

MEANING OF DELIVERY TERMS

The meaning of standard delivery terms used in this contract, such as f.o.b. destination, f.o.b. origin, f.a.s. Vessel, Port of Shipment, etc., shall be as stated in 41 CFR 1–19.3.

§ 5A–7.101–75 Marking provisions.

The following clause shall be included in all solicitations:

MARKING PROVISIONS

(a) * * *
(b) *Deliveries to military agencies.* Marking of shipments for delivery to military agencies shall be as otherwise specified in the contract or in purchase orders issued under the contract but, if not so specified, the exterior shipping containers shall be marked in accordance with Military Standard 129D, as amended.
(c) *Improperly marked material.* In the event any shipment is not marked in accordance with the contract requirements, the Government shall have the right, without prior notice to the Contractor, notwithstanding Article 5 of Standard Form 32 to: (1) Reject the shipment; or (2) perform the required marking by use of Government personnel and charge the Contractor therefor at a rate of $5 per man-hour, with a minimum charge of $5; or (3) have the marking performed by an independent Contractor and charge to the Contractor the cost occasioned the Government thereby. In connection with any prompt payment discount offered, time will be computed from the date of completion of such remarking services.

§ 5A–7.101–76 Preservation, packaging, and packing.

The following clause shall be included in all solicitations:

PRESERVATION, PACKAGING, AND PACKING

Unless otherwise specified, all items shall be packaged in accordance with Preservation and Packaging Level B, and packed in accordance with Packing Level B, both as defined in Federal Standard 102. Where special or unusual packing is specified in an order, but not specifically provided for by contract, such packing details must be the subject of an agreement independently arrived at between the ordering agency and the Contractor.

§ 5A–7.101–77 Price reduction provision.

The following provision shall be inserted in all solicitations for indefinite quantities, except where special escalation features are authorized:

PRICE REDUCTIONS

Applicable only to requirements and indefinite quantity contracts).
(a) * * *
(b) * * *

§ 5A–7.101–78 [Reserved]

§ 5A–7.101–79 Packing list.

The following clause shall be included in all solicitations:

* * * * *

§ 5A–7.101–80 Advertising of Award.

The following clause shall be included in all solicitations:

ADVERTISING OF AWARD

The contractor agrees not to refer to awards in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or services.

§ 5A–7.101–81 Notice to the Government of labor disputes.

The following clause shall be included in all solicitations.

NOTICE TO THE GOVERNMENT OF LABOR DISPUTES

(a) Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.
(b) The Contractor agrees to insert the substance of this clause, including the paragraph (b), in any subcontract hereunder as to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential labor dispute, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

§ 5A–7.101–82 Guaranteed shipping weight and cube.

A clause substantially as follows shall be inserted in the Schedule in conjunction with the space provided for bidders to insert guaranteed shipping weights and/or dimensions when such are required for realistic evaluation of freight costs (see § 1–19.202–3).

GUARANTEED MAXIMUM SHIPPING WEIGHTS (AND DIMENSIONS IF APPLICABLE)

The guaranteed maximum shipping weights (and dimensions if applicable) are required for determination of transportation costs. Bidder must state his guaranteed weights (and dimensions if applicable) in the bid or it will be rejected. If delivered items exceed the guaranteed maximum shipping weights (and dimensions if applicable), the bidder agrees that the contract price shall be reduced by an amount equal to the difference between the transportation costs computed for bid evaluation purposes based on the bidder's guaranteed maximum shipping weights (and dimensions if applicable) and the transportation costs that should have been used for bid evaluation purposes based on correct shipping data. In this regard, Seller's Invoices shall show the actual shipping weight (and actual cube, where applicable), in addition to the other requirements of Article 18, Standard Form 33A, Solicitation Instructions and Conditions.

§ 5A–7.101–83 Gratuities.

The following clause shall be included in all contracts under which orders may

be placed by or for the military departments.

GRATUITIES

(This Gratuities clause is applicable to all orders placed by or for the military departments. In subparagraphs (a) and (b), below, the term "contract" shall be deemed to refer to any order placed under this contract by or for a military department. Where the right of the Contractor to proceed with an order is terminated in accordance with this Gratuities clause by any military department office, the Government may, in addition to the rights under this Gratuities clause, by written notice to the Contractor, terminate the whole or any part of this contract in the same manner as provided in paragraph (a) (i) of the clause entitled "Default" (Article 11 of Standard Form 32) in which case the Government shall be entitled to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract.)

(a) * * *
(b) * * *
(c) * * *

§ 5A–7.101–84 Deliveries beyond the contractual period—placing of orders.

The following clause shall be inserted in all solicitations covering requirements and indefinite quantity contracts.

DELIVERIES BEYOND THE CONTRACTUAL PERIOD—PLACING OF ORDERS

(Applicable to requirements and indefinite quantity contracts only)

* * * * *

§ 5A–7.170 Clauses to be used when applicable.

In addition to the clauses prescribed in Subpart 1–7.1 and § 5A–7.101, the clauses set forth in this section shall be inserted in fixed-price supply contracts when applicable.

§ 5A–7.170–1 Special discount terms.

When it is known in advance that final acceptance cannot be accomplished within the normal period of time from the date of delivery due to the time required for laboratory tests and for analyses of deliveries, the following clause shall be used. The number of days to be entered in the blank space in the clause shall be the maximum number of days needed for testing and/or analysis, as determined by the contracting officer in cooperation with the quality control activity. Except in most unusual cases, such period shall not exceed 30 days.

SPECIAL DISCOUNT TERMS

(The conditions as stated herein supersede those headed "Discounts" under the Solicitation Instructions and Conditions, Standard Form 33A.) Prior to final acceptance, the supplies described in this solicitation will be tested or analyzed for conformance with the specifications cited. It is estimated that scheduling and performing such tests and/or analyses will require a maximum of ------ calendar days, and any discount period will begin that same number of calendar days after the date of arrival of the supplies at destination or port of embarkation, or on the date a correct invoice or voucher is received in the office specified by the Government, if the latter date is later than the date of final acceptance.

§ 5A–7.170–3 Price escalation.

(a) It is the policy of the General Services Administration to enter into contracts, whether negotiated or advertised, on a fixed-price basis whenever economical and practicable. It is recognized, however, that instances may arise in which this type of pricing, owing to conditions affecting a particular commodity or industry, may not be practicable or in the best interests of the Government. Illustrative of such an instance would be the use of a contract with extended deliveries covering commodities with respect to which the supplier cannot estimate, with any reasonable accuracy, the cost of manufacture and may, therefore, quote fixed prices at excessive figures to protect himself against cost contingencies. In such cases, it would be to the Government's interest to invite bids and to contract using escalation clauses designed to reduce the price by eliminating the necessity for contingency allowances. In general, when numerous suppliers include escalation clauses in bids in response to an invitation for bids so that effective competition is not secured, it is an indication that the best interest of the Government may be served by utilizing appropriate escalation clauses.

(b) Price escalation clauses, except those authorized for use in Federal Supply Schedule contracts, shall not be included in solicitations without the prior approval of the Assistant Commissioner for Procurement. When, with respect to individual cases, and based on the policy stated above, it is deemed advisable to use a price escalation clause, a request for an appropriate clause together with a statement of the justifying circumstances, shall be submitted to the Assistant Commissioner for Procurement.

(1) When a price escalation clause is used, careful consideration must be given to the ultimate cost of the proposed purchases and to the availability of sufficient funds, above the quoted price, to allow for subsequent increases.

(2) Solicitations containing price escalation clauses must also state the basis on which offers will be evaluated (see § 1–2.407–4).

§ 5A–7.170–5 Standard pack items.

The following clause shall be included in solicitations for stores stock items for which standard packs have been established:

STANDARD PACK ITEMS

To facilitate the distribution and handling of certain items of stores stock, the General Services Administration has established standard packs of specified number of units per container. Where standard unit packing has been cited for an item in the Schedule or the referenced specification, such packing is necessary. A bid offering to furnish an item in other than the pack specified shall be considered nonresponsive with respect to that particular item.

§ 5A–7.170–7 USDA Certificates of Quality and Condition—subsistence purchases.

The following clause shall be used in contracts subject to the policy stated in § 5A–72.106–4:

* * * * *

§ 5A–7.170–11 [Reserved]

§ 5A–7.170–12 Indefinite delivery type contracts.

Except as otherwise provided in GSA Order FSS 2818.5 for contracts containing a standby-stock clause, each indefinite delivery type contract for stores stock items (see § 5A–72.105) shall contain one of the following clauses to set forth the scope of the contract.

* * * * *

PART 5A–16—PROCUREMENT FORMS

Subpart 5A–16–9—Illustrations of Forms

1. The table of contents is revised to include the amended title of GSA Form 1424.

Sec.
5A–16.950–1424 GSA Form 1424, GSA Supplemental Provisions.

§ 5A–16.950–1424 [Amended]

2. Section 5A–16.950–1424 is amended to include an illustration of the March 1969 edition of GSA Form 1424.

NOTE: The form illustrated in 5A–16.950–1424 is filed as a part of the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective 60 days after publication in the FEDERAL REGISTER, but may be observed earlier upon availability of revised GSA Form 1424.

Dated: May 16, 1969.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[F.R. Doc. 69–6312; Filed, May 27, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4662]

[Nevada 2385]

NEVADA

Withdrawal for Atomic Energy Seismic Station

Correction

In F.R. Doc. 69–5828 appearing at page 7810 in the issue of Friday, May 16, 1969,

in the table under the center heading "Mount Diablo Meridian," the second comma should be deleted in the second line.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18479; FCC 69-545]

PART 1—PRACTICE AND PROCEDURE

Restricted Adjudicative and Rule Making Proceedings

Report and order. In the matter of amendments of §§ 1.1203 and 1.1207, rules and regulations, Docket No. 18479.

1. A notice of proposed rule making in the above-captioned proceeding was released on March 14, 1969 (FCC 69-220, 34 F.R. 5384, March 19, 1969), inviting interested persons to file comments on or before April 11, 1969. Timely comments opposing the proposed rules were filed by the American Telephone and Telegraph Co. Additional comments have not been filed.

2. In the notice, the Commission proposed that §§ 1.1203 and 1.1207 of the rules be amended to classify domestic telegraph consolidation or merger proceedings conducted under section 222 (b)-(d) of the Communications Act as rule making. AT&T notes that proceedings conducted under section 222 (b)-(d) involve application to the Commission for an "order approving and authorizing" a consolidation or merger, and argues, on this basis, that such proceedings constitute licensing (and thus adjudication), as defined in the Administrative Procedure Act.[1] It concludes that such proceedings cannot properly be classified as rule making.

3. Although an application to the Commission under section 222 (b)-(d) seeks "approval" of a proposed consolidation or merger, and it can be argued that proceedings conducted under that section fall within the definition of licensing, there are several characteristics of such proceedings which appear to fall within the definition of rule making. Thus, rule making is defined as an agency process for formulating a—

statement of * * * particular applicability and future effect designed to implement, interpret, or prescribe law or policy [and as including] the approval * * * for the future of * * * wages, corporate or financial structures or reorganizations thereof, * * * facilities, * * * services * * * or practices bearing upon any of the foregoing.

The determination of an application for approval of a consolidation or merger under section 222 (b)-(d) is based primarily on broad considerations of public policy.[2] Generally, such applications do not involve disputed questions of fact; and if such questions are presented, they are of minor importance by comparison with policy considerations. The effect of approval, among other things, is that "any law or laws making consolidations and mergers unlawful shall not apply to the proposed consolidation or merger." (Section 222(c)) Action on such applications is in a true sense "designed to implement, interpret, or prescribe law or policy" for the future. A merger or consolidation, moreover, may well involve the reorganization of "Corporate or financial structures"; and under section 222(c), the Commission is expressly enjoined to consider the "financial soundness" and therefore the "financial structure" of the carrier resulting from the consolidation or merger. Determinations with respect to "wages" are expressly required by section 222(f). The "facilities" to be maintained and the "services" to be provided by the resulting carrier are primary considerations in making the public interest determination required by section 222(c). Thus, approval of a consolidation or merger clearly involves approval for the future with respect to a number of the matters specifically listed in the Administrative Procedure Act as constituting rule making. Though approval for the future with respect to certain of these matters may also be consistent with the Act's more general definition of licensing, it should be clear from the foregoing that consolidation or merger proceedings are at least equally consistent with the definition of rule making, and thus that an element of discretion enters into the classification of such proceedings.

4. It is recognized that the Administrative Procedure Act definitions of "licensing" and "rule making" overlap. It is also generally accepted that proceedings dominated by policy considerations can fairly and most effectively be conducted under procedures governing rule making. In the case of proceedings which qualify either as licensing or as rule making, moreover, the suitability of rule making or adjudicatory procedures to the proceeding is a valid consideration in its classification.[3] Within this framework and in view of the considerations discussed above, we conclude that section 222 (b)-(d) consolidation or merger proceedings can properly and most appropriately be classified as rule making. It follows that the proposed amendments to §§ 1.1203 and 1.1207 of the rules and regulations should be adopted. The amended rules are set out below.

5. Authority for adoption of these amendments is contained in sections 4 (i) and (j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), and 303(r), and in section 2(c) of the Administrative Procedure Act, 5 U.S.C. 551 (4) and (5). Because the amendments involve matters of procedure, they may be made effective upon publication in the FEDERAL REGISTER.

6. In view of the foregoing: *It is ordered:* Effective May 28, 1969, that §§ 1.1203 and 1.1207 of the rules of practice and procedure are amended as set forth below. *It is further ordered,* That this proceeding is terminated.

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

Adopted: May 21, 1969.

Released: May 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

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

§ 1.1203 Restricted adjudicative proceedings.

(a) * * *

(5) Any proceeding conducted pursuant to the provisions of Sections 206, 207, 212, 214(a) or 221(a) of the Communications Act.

* * * * *

[1] The pertinent definitions are set out as follows in Section 2 of the Administrative Procedure Act, 5 U.S.C. 551 (4)-(9):

"Section 551 Definitions.

"(4) Rule means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

"(5) Rule making means agency process for formulating, amending, or repealing a rule;

"(6) Order means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing;

"(7) Adjudication means agency process for the formulation of an order;

"(8) License includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission;

"(9) Licensing includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license;"

[2] In the only proceeding heretofore conducted under section 222 (b)-(d), the Commission's determination was based primarily on questions of public policy. See *Application for Merger of the Western Union Telegraph Company and Postal Telegraph, Inc.*, 10 FCC 148 (1943). Determination of Western Union's pending application to acquire the Bell System's TWX facilities is also expected to center on broad questions of public policy.

[3] For discussion of these factors, and of the classification of consolidation and merger proceedings, see *Attorney General's Manual on the Administrative Procedure Act* (1947), at pages 13-16; Ginnane, *"Rule Making," "Adjudication" and Exemptions Under the Administrative Procedure Act*, 95 U. Pa. L. Rev. 621 (1947); and Davis, *Administrative Law Treatise* (1958 ed.), § 5.02.

[4] Commissioner Johnson concurring in the result.

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

§ 1.1207 Restricted rule making proceedings.

* * * * *

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

* * * * *

[F.R. Doc. 69-6316; Filed, May 27, 1969; 8:46 a.m.]

[Docket No. 18384]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Transmitter Frequency Tolerance Requirements

In the matter of amendment of § 21.101 of Part 21 of the Commission's rules and regulations concerning transmitter frequency tolerance requirements, Docket No. 18384.

In the last sentence of paragraph 4 of the Report and Order, in the above-entitled matter, FCC 69-511, released May 19, 1969, and published in the FEDERAL REGISTER on May 22, 1969, 34 F.R. 8041, change "February 1, 1967" to "February 1, 1976."

Released: May 21, 1969.

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

[F.R. Doc. 69-6318; Filed, May 27, 1969; 8:46 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Development of Communications Technology and Services; Correction

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397.

In Appendix A of the Commission's further notice of proposed rulemaking in Docket No. 18397, released on May 16, 1969 (FCC 69-516, 34 F.R. 7984, May 21, 1969), proposed § 74.1107 is corrected to include the following note at the end of paragraph (a):

§ 74.1107 Requirements applicable to carriage of television broadcast signals in specified zones and in areas outside of specified zones.

(a) * * *

NOTE: The communities listed in parentheses in paragraph (a) are relevant only to paragraph (c) of this section; other than for purposes of paragraph (c) the specified zone of such communities is relevant to paragraph (d) and not to paragraph (b) of this section.

* * * * *

Released: May 22, 1969.

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

[F.R. Doc. 69-6317; Filed, May 27, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards: Plasma (Human) and Packed Red Blood Cells (Human); Notice of Extension of Time for Comments

On March 13 a notice of proposed rule making proposing to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for the manufacture of plasma separated from human blood and amending the Additional Standards in Part 73 applicable to Packed Red Blood Cells (Human) was published in 34 F.R. 5177 through 5180.

Notice was also given that inquiries, data, views, and arguments relating to the proposed amendments might be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014, and that all relevant material received not later than 30 days after publication of such notice would be considered.

Requests from numerous interested parties for an extension of time to submit comments having been received, notice is hereby given by the Director, National Institutes of Health, that the time provided for submission of such inquiries, data, views and arguments is hereby extended an additional 30 days from the date of publication of this notice in the FEDERAL REGISTER and all additional relevant material received within such period will be considered.

Any amendments that are adopted shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: April 22, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: May 21, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-6335; Filed, May 27, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-2, Notice 69-14]

SHIPPERS

Packaging of Certain Radioactive Materials

The Hazardous Materials Regulations Board is considering amending §§ 173.394 and 173.395 of the Hazardous Materials Regulations to simplify the procedures for obtaining approval of packaging for Type B quantities and large quantities of both special form and normal form radioactive materials.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before July 22, 1969, will be considered by the Board before taking final action on the notice. All comments will be available for examination by interested persons at the Office of the Secretary of the Board both before and after the closing date for comments. The proposals contained in this notice may be changed in light of comments received.

Amendment 173-3 (Docket HM-2) contained a major revision of the requirements for packaging of radioactive materials. One part of that revision was the adoption of what are in effect performance type packaging requirements for certain types of radioactive materials. Section 173.398(c) contains the "Type B" packaging requirements. However, notwithstanding the adoption of these performance type requirements, the Board required that before Type B quantities or large quantities of special form or normal form radioactive materials could be shipped, the packaging must be approved by the Department. In the case of large quantities the Type B packaging must also meet either the U.S. Atomic Energy Commission standards or the 1967 regulations of the International Atomic Energy Agency. The regulations further specify that the Departmental approval of large quantity packaging must be issued under Part 170 of the Department's regulations (i.e., a special permit). As a matter of practice all approvals, whether for Type B quantities or for large quantities, have been treated as requests for special permits.

Upon a review of the procedure for handling the above described approvals, the Board has concluded that it is inappropriate to continue treating requests of this type as requests for special permits since in fact no exception from the Hazardous Materials Regulations is involved. What is involved is a review by the Department's Office of Hazardous Materials (in cooperation with the U.S. Atomic Energy Commission) of whether in fact the proposed packaging complies with the performance specification requirements of § 178.398. The document issued by the Department is in effect a statement to the effect that the Department agrees that a certain described packaging is for certain stated contents

consistent with the Department's regulations. In view of the recommended International Atomic Energy Agency requirement that for international shipments the "national competent authority" certify (with an identifying symbol) as to the packaging adequacy and that the package be so marked, the Board believes that the required approval should take the form of a "Certificate of Approval" with an identifying number. Thus persons who obtain such approval will be assured that they can comply with international requirements in those countries that have adopted the above described recommended practice.

In addition, certain requirements now routinely included in special permits would be made a part of the regulations, such as prior notifications by the shipper and special unloading instructions.

In consideration of the foregoing it is proposed to amend Part 173 of the Hazardous Materials Regulations as follows:

1. By adding a new paragraph (b) to § 173.22 to read as follows:

§ 173.22 Shipper's responsibility.

* * * * *

(b) Prior to each shipment of fissile radioactive materials, and Type B, or large quantities of radioactive materials, the shipper shall notify the consignee of the dates of shipment and expected arrival. The shipper shall also notify each consignee of any special loading/unloading instructions prior to his first shipment.

2. By amending paragraphs (b)(3) and (c)(2) of § 173.394 to read as follows:

§ 173.394 Radioactive material in special form.

* * * * *

(b) * * *

(3) Any Type B packaging which has been certified by the Department as meeting the pertinent requirements for Type B packaging for specific contents.

(c) * * *

(2) Any Type B packaging which meets the standards in the regulations of either the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the International Atomic Energy Agency (1967 edition), and which has been certified by the Department as meeting the pertinent requirements for packaging for large quantities for specific contents. In applying for Departmental certification of packages of large quantities, a copy of the U.S. Atomic Energy Commission license amendment or other approval may be accepted in place of the package structural integrity evaluation.

* * * * *

3. By amending paragraphs (b)(2) and (c)(2) of § 173.395 to read as follows:

§ 173.395 Radioactive material in normal form.

* * * * *

(b) * * *

(2) Any Type B packaging which has been certified by the Department as meeting the pertinent requirements for Type B packaging for specific contents.

(c) * * *

(2) Any Type B packaging which meets the standards in the regulations of either the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the International Atomic Energy Agency (1967 edition), and which has been certified by the Department as meeting the pertinent requirements for packaging for large quantities for specific contents. In applying for Departmental certification of packages of large quantities, a copy of the U.S. Atomic Energy Commission license amendment or other approval may be accepted in place of the package structural integrity evaluation.

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

Issued in Washington, D.C., on May 20, 1969.

F. C. TURNER,
Administrator,
Federal Highway Administration.

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

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

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

[F.R. Doc. 69-6304; Filed, May 27, 1969; 8:45 a.m.]

[49 CFR Part 178]

[Docket No. HM-25; Notice No. 69-15]

SHIPPING CONTAINER SPECIFICATIONS

Fiberboard Boxes

The Hazardous Materials Regulations Board is considering amending § 178.205–37 of the Department's Hazardous Materials Regulations to specify certain requirements for packagings of acid electrolyte consistent with the terms of special permits which have been issued by the Department for more than 5 years.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before July 22, 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.

Experience gained in the shipping of several million packages under the provisions of special permits issued by the Department indicates that the packaging under consideration is reliable and provides for an adequate and safe package consistent with the degree of hazard of the material to be shipped.

The present requirements in section 178.205–37 of the Hazardous Materials Regulations relate only to a package size limitation of 5 gallons. The packaging proposed would provide two quantity limitations, 6 quarts and 5 gallons, consistent with present day shipping practices. For a package of 6 quarts or less capacity, there would be a 75-pound reduction in the strength of fiberboard required for the DOT Specification 12B box, and for capacities from 6 quarts to 5 gallons there would be an increase in fiberboard strength of 75 pounds. Also, it is proposed to reduce the minimum wall thickness for each bag of a double insert from 0.004 inch to 0.003 inch thickness based on special permit experience.

In consideration of the foregoing, it is proposed to amend paragraphs (a) and (b), paragraphs (c) (1) and (2) of § 178.205–37 to read as follows:

§ 178.205 Specification 12B; fiberboard boxes.

§ 178.205–37 Special box; authorized polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.

(a) Box must comply with this specification except as follows: Box must be of one-piece construction of slotted style and may have die-cut areas of minimum size to provide access to an inside closure part. Box must have two polyethylene or other suitable plastic bags, one within the other, and a closure adequate to prevent leakage under conditions incident to transportation. Each bag must be formed from tubing of virgin plastic material not less than 0.003 inch thick with joints heat sealed.

(b) Boxes must be center special slotted style, except that regular slotted style boxes may be used if fitted with full top and bottom pads. If any metal is used in the box construction, full liners and top and bottom pads are required. Any metal closure for a discharge tube must be installed so as to prevent contact with the polyethylene bag. Discharge tubes must be plugged or heat sealed. Maximum volumetric capacity must not exceed 5 gallons (nominal).

(1) For boxes having capacities of 6 quarts (nominal) or less, fiberboard of at least 200-pound test is required for construction. Pads must be of fiberboard of at least 200-pound test or of equivalent material such as chipboard.

(2) For boxes having capacities in excess of 6 quarts, fiberboard of at least 350-pound test is required. Pads must be of fiberboard of at least 350-pound test or of equivalent material such as chipboard.

(c) * * *

(1) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags must be dropped twice from a height of 4 feet onto concrete, one drop to be made with the box positioned so as to strike flat on the box bottom, the other drop to be made so box will strike flat on the largest face.

(2) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags, and remains liquid at 0° F. or lower shall be dropped once from a height of 4 feet onto concrete, when container and contents are at or below 0° F. Box shall be positioned so as to strike flat on the box bottom.

* * * * *

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

Issued in Washington, D.C., on May 21, 1969.

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

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

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[F.R. Doc. 69-6305; Filed, May 27, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 243]

DECORATIVE WALL PANELING INDUSTRY

Proposed Guides; Notice of Opportunity To Present Written Views Suggestions or Objections

Proposed Guides for the Decorative Wall Paneling Industry were originally made public by the Commission on February 20, 1968, and were published in the FEDERAL REGISTER on that date at page 3190. In response to the invitation to industry members and other interested parties to submit written comments concerning the proposed Guides, a number of suggestions, criticisms and objections were received. After giving due consideration to these comments and other pertinent information received, the proposed Guides have been revised as hereinafter set forth. These revised proposed Guides are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C., secs. 41–58, and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed Guides for the Decorative Wall Paneling Industry to present to the Commission their views concerning the proposed Guides, including such pertinent information, suggestions or objections as they may desire to submit. For this purpose, additional copies of the proposed Guides may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than June 27, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Guides for this industry, if and when finally approved and adopted by the Commission, will be designed to assist manufacturers and other sellers of decorative wall panels in avoiding violations of the Federal Trade Commission Act, as amended (15 U.S.C. secs. 41–58), in labeling and advertising their products. Their purpose will be to encourage voluntary compliance with the Act which makes illegal unfair methods of competition and unfair or deceptive acts or practices in commerce. Proceedings to prevent deceptive practices in the sale of decorative wall panels may be brought under the Federal Trade Commission Act.

Text of the proposed Guides follows:

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

Sec.

AUTHORITY: The provisions of this Part 243 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46.

§ 243.0 Definitions.

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

(a) *Industry member.* Any person, firm, corporation, or organization engaged in the manufacture, sale or distribution of industry products as such products are hereinafter defined.

(b) *Industry products.* Industry products include all products which are suitable for use as interior decorative wall panels. Industry products may be composed of any material or combinations of materials including, but not limited to, solid wood, plywood, wood byproducts, plastics, metals, etc., and may be textured, prefinished, partially finished or unfinished.

§ 243.1 Deception (general).

Industry members should not sell, offer for sale, or distribute industry products by any method, or under any representation, circumstance or condition which has the capacity and tendency or effect of misleading purchasers or prospective purchasers as to the grade, type, kind, character, content, construction, composition, process or technique used in preparation or fabrication, origin, size, thickness, quality, quantity, value, price, serviceability, resistance, performance, durability, color, finish, manufacture, or distribution of any product of the industry or component part of such product, or in any other material respect.

[Guide 1]

§ 243.2 Disclosures and qualifications.

(a) In order to prevent deception the Commission may require affirmative disclosure of material facts concerning merchandise which, if known to prospective purchasers, would influence their decisions of whether or not to purchase. The failure to disclose such information as may be required is an unfair trade practice violative of section 5 of the Federal Trade Commission Act. Two of the situations in which disclosures of material facts concerning wall panels should be made are (1) when the appearance of a product could mislead potential purchasers, and (2) when a representation is made which is susceptible of at least one misleading interpretation unless it is clearly qualified. (Representations which cannot be qualified without the qualification amounting to a contradiction should not be used.) The purpose of affirmative disclosures provided for in the following sections in this Part 243 is to inform potential and ultimate purchasers of certain facts considered to be material.

(b) The necessary disclosures should appear on each industry product (except when it is sold and used for industrial purposes and the industrial purchaser is otherwise fully informed of the material facts involved). Such disclosures should be on, or on a tag or label attached to, the industry product and be of such permanency as to remain on, or attached to, the product until consummation of the sale to the ultimate purchaser. Conspicuous disclosures may appear on backs of wall panels, but in instances where such

disclosures would not be readily noticeable to casual observers, such as on certain point of sale samples and displays where panel backs are not easily viewed, disclosures should be made on the front or face of panels.

(c) The disclosure should also appear in any advertising relating to an industry product irrespective of the media used whenever statements, representations or depictions are used in such advertising which, in the absence of such disclosure, serve to create a false impression that the product, or any part thereof, is of a certain kind or composition.

(d) In all cases the disclosure should be in close conjunction with any representation making it necessary and should be of sufficient clarity, conspicuousness and audibility (when spoken) as to be noted by prospective purchasers.

[Guide 2]

§ 243.3 Wood and wood imitations.

(a) In connection with the sale of industry products made of wood, or which are not wood but have an appearance simulating that of wood, members of the industry should not use any display, exhibit, sample, sales method, depiction, or representation which could directly or indirectly convey to purchasers or potential purchasers an impression which:

(1) Is false. Examples would include:

(i) Describing an oak panel as "pecan";

(ii) Describing as "solid birch" or "genuine birch" a panel made with laminations of all birch plies. Proper descriptions would include "all birch plywood" or "birch plies";

(iii) Describing a flakeboard, particleboard, hardboard, fiberboard, chipcore or plywood panel as "solid wood";

(iv) Describing as "natural wood grain" a simulated grain design which has been printed on, attached to or simulated in any other manner on the surface of an industry product;

(v) Describing a nonlumber product, such as hardboard, fiberboard, chipcore, flakeboard and products of similar composition, as "wood". Although such products are composed of wood byproducts or wood fibers, they should not be represented without qualification as "wood" but may be described as "hardboard", "fiberboard", "wood product", whichever is applicable, or by any nondeceptive descriptive word or term; or

(2) Is likely to mislead because of a half-truth. Examples would include:

(i) Describing as "walnut", "in walnut", or "genuine walnut" a panel having only a face veneer of walnut. Proper descriptions would include "walnut veneer face", "walnut veneer surface", "walnut veneer", or "walnut veneered plywood".

NOTE: Unqualified terms such as "walnut," "genuine walnut" and "in walnut" imply that the product so described is solid walnut;

(ii) Describing as "walnut veneer" a panel having a face veneer not entirely of walnut.

NOTE: If a wood name is used to describe a panel having more than one kind of wood in the face veneer then all of the woods in the face veneers should be named or otherwise identified (e.g., "walnut and cherry veneers" or "walnut and other hardwood veneers");

(iii) Using unqualified phrases such as "woodpattern" or "woodgrain finish" to describe a panel having a wood surface which has been stamped, rolled, pressed or otherwise processed in such manner as to change the natural wood grain design. Proper descriptions would include "simulated woodgrain finish," "imitation grain figure," or "simulated walnut grained finish on birch face veneer";

(iv) Describing as "hardwood plywood" a panel made of hardwood plywood but having a vinyl film surface simulating a wood finish. Proper descriptions would include "hardwood plywood with simulated wood grain on vinyl surface" or "simulated wood surface on plywood";

(3) Is false or has the capacity and tendency to mislead because of the failure to affirmatively disclose facts[1] concerning the composition of a product having the appearance of wood, or of a certain kind of wood, when it is not wood, or the kind of wood which it appears to be. Examples would include failure to disclose when an industry product or part thereof:

(i) Has an exposed surface of plastic, metal, vinyl, hardboard, flakeboard, or other material not possessing a natural wood growth structure but which has an appearance simulating that of wood. Depending on the composition, proper descriptions would include "simulated walnut finish on plastic face," "vinyl surface with simulated pecan finish," "simulated birch finish on hardboard," "mahogany grained plastic," or other nondeceptive phrases;

(ii) Has a wood surface finished by means of staining, decalcomania, printing, paper coating, or other process so as to have the appearance of a different kind of wood. Depending on the composition, proper descriptions would include "mahogany finished gum plywood," "walnut stained plywood," "walnut finish on pecan veneer face," or "cherry grain design on hardwood plywood";

(iii) Has an appearance which could mislead potential purchasers in any material respect.

(b) Disclosures provided for by this section may be accomplished by stating either the true composition (e.g., "mahogany grained hardboard" or "simulated walnut grain on plastic"), or by making a disclaimer of composition (e.g., "imitation wood" or "simulated wood finish").[1]

[Guide 3]

§ 243.4 Deceptive use of wood names.

(a) Industry members should not use any direct or indirect representation concerning the identity of the wood in industry products which is false or likely to mislead purchasers as to the actual wood composition.

(b) The unqualified word "walnut" should not be used to describe wood other than genuine solid walnut (Juglans).

(c) The unqualified word "mahogany" should not be used to describe wood other than genuine solid mahogany (Swietenia).

(d) The word "mahogany" may be used to describe wood of the genus Khaya, but only when prefixed by the word "African" (e.g., "African mahogany").

(e) In naming or designating the seven Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan, the word "mahogany" may be used but only when prefixed by the word "Philippine" (e.g., "Philippine mahogany"). Examples of improper use of the word "mahogany' include reference to Red Lauan as "Lauan mahogany" or White Lauan as "Blonde Lauan mahogany". Such woods, however, may be described as "Red Lauan" or "Lauan" or "White Lauan", respectively. The term "Philippine mahogany" may be used to describe the seven woods named above only when they are grown in the Philippine Islands. Such term should not be used to describe any other wood.

(f) The word "mahogany", with or without qualification, should not be used to name or identify any wood except as provided above.

NOTE: Nothing in this section should be construed as prohibiting the nondeceptive use of wood names to describe the color, stain, simulated finish or appearance of industry products, provided that appropriate qualifications are made in accordance with provisions in § 243.3.

(g) When a wood name is used in advertising or labeling to describe the grain and/or color of a stain finish or other type of simulated finish which has been applied to a surface composed of something other than solid wood of the type named, it should be made clear that the wood name used is merely descriptive of the grain design and/or color or other simulated finish.

(h) Under this section, unqualified phrases such as "walnut finish," "in walnut," "fruitwood," "oak," and "mahogany finish," and others terms of similar import or meaning, will not be adequate. But statements such as "walnut grained plastic face," "walnut color," "walnut stain," "maple stained finish," "mahogany finish on gum," "fruitwood finish on selected hardwood veneer" and "walnut finish on other hardwoods" (or "softwoods," as the case may be) will satisfy this provision if such statements are factually correct and appear in contexts which are otherwise nondeceptive.[1]

[Guide 4]

§ 243.5 Imitations of materials other than wood.

Industry members should not misrepresent the composition of any industry product, or part thereof, or fail to disclose any material fact[1] concerning the composition of an industry product when the failure to do so has the capacity and

[1] See § 243.2.

tendency or effect of deceiving purchasers or prospective purchasers. For example:

(a) A hardboard panel having an imitation marble finish should not be described, without qualification, as "marble," "onyx," "travertine," or "travertine marble finish." Proper descriptions would include "simulated marble finish," "imitation marble-textured," "marble pattern on plastic faced hardboard," "simulated travertine on hardboard," or "marble pattern on vinyl-faced hardboard";

(b) A fiberboard panel having an imitation burlap finish should not be described without qualification as "burlap" or "burlap finish." Proper descriptions would include "imitation burlap weave finish," "simulated burlap design on fiberboard," "simulated burlap finish on fiberboard," or "burlap pattern on embossed vinyl surface."

NOTE: A representation concerning the composition of a particular part of a product should clearly indicate the part to which the representation is properly applicable.

[Guide 5]

§ 243.6 Misleading illustrations.

Industry members should not use any picture, illustration, diagram, or other depiction, either alone or in conjunction with words or phrases, which would have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning any material fact relating to an industry product.

[Guide 6]

§ 243.7 Deceptive use of trade or corporate names, coined names, trademarks, etc.

Industry members should not use any deceptive or misleading trademarks, trade names or coined names in designation of industry products or of materials used therein.

[Guide 7]

§ 243.8 Passing off through imitation or simulation of trademarks, trade names, etc.

Industry members should not pass off the products of one industry member as and for those of another through the imitation or simulation of trademarks, trade names, brands, labels or otherwise.

[Guide 8]

§ 243.9 Guarantees, warranties, etc.

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

(1) The nature and extent of the guarantee; and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor; and

(3) The manner in which the guarantor will perform thereunder; and

(4) The identity of the guarantor.

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

(c) A specific example of refusal to perform obligations under the guarantee is use of "Satisfaction or your money back" when the guarantor cannot or does not intend promptly to make full refund upon request.

(d) Guarantees should not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(e) This section has application not only to "guarantees" but also to "warranties", to purported "guarantees" and "warranties", and to any promise or representation in the nature of a "guarantee" or "warranty".

NOTE: The Commission's Guides Against Deceptive Advertising of Guarantees furnish additional guidance respecting guarantee representations and are to be considered as supplementing this section. See 16 CFR Part 239 for Guides Against Deceptive Advertising of Guarantees.

[Guide 9]

§ 243.10 Deceptive pricing.

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

NOTE: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations and are to be considered as supplementing this section. See 16 CFR Part 233 for the Guides Against Deceptive Pricing.

[Guide 10]

§ 243.11 Size markings and designations.[2]

Industry members should not:

(a) Mark or otherwise represent, directly or by implication, any industry product as being of a certain size which is not in fact the true size thereof; or

(b) Fail to disclose in advertising and on industry products the true size thereof when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the size of such products. For example, consumers generally assume that decorative wall panels are 4' x 8' when advertised without disclosure of dimensions. Therefore, if the dimensions of such panels are not the customary 4' x 8', an affirmative disclosure of the correct size should be made.

[Guide 11]

§ 243.12 Removal, obliteration, or alteration of marks or labels.

Industry members should not:

(a) Remove, obliterate, deface, change, alter, conceal, or make illegible any information this part provides be disclosed on industry products, without replacing the same before sale, resale or distribution for sale with a proper mark or label meeting the provisions of this part; or

(b) Sell, resell, or distribute any industry product without its being marked or labeled and described in accordance with the provisions of this part.

[Guide 12]

§ 243.13 Misrepresenting products as conforming to standard or specification.

Members of the industry should not misrepresent in advertising, labeling, or otherwise, that any product conforms to any applicable standard or specification.

[Guide 13]

§ 243.14 Deception as to origin.

(a) Industry members should not make any direct or indirect representation which is false or likely to mislead prospective purchasers concerning the origin of industry products, or any substantial parts thereof, either domestic or foreign.

(b) Industry members should clearly and conspicuously disclose that industry products, or any substantial parts thereof, were produced or manufactured in an identified foreign country when the failure to make such disclosure has the capacity and tendency or effect of deceiving prospective purchasers. Such disclosures should be in the form of a legible mark, stamp or label on the product, and any samples thereof, and should be of such size, conspicuousness and permanency as to remain noticeable and legible upon casual inspection until consumer purchase.

[Guide 14]

Issued: May 27, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-6306; Filed, May 27, 1969; 8:45 a.m.]

[2] Officially established Commercial Standards and Product Standards concerning the various products are recognized as giving proper guidance for determining measurements of industry products (e.g., SC157-56; CS176-58; CS35-61; CS251-63; CS236-66; and PS1-66).

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MAY 21, 1969.

1. The Plats of Survey of Lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m., on June 27, 1969.

MOUNT DIABLO MERIDIAN, NEVADA

a. T. 17 N., R. 33½ E. (Group 441).
b. T. 18 N., R. 33½ E. (Group 441).
c. T. 17 N., R. 34 E. (Group 441).
d. T. 18 N., R. 34 E. (Group 441).
e. T. 19 N., R. 34 E. (Group 441).

2. a. The surveyed area in T. 17 N., R. 33½ E. aggregates 3,102.46 acres. The plat was accepted April 9, 1969. The terrain is nearly level with elevations averaging about 4,200 feet above sea level. The soil ranges from sandy clay to clay sand. Vegetation is comprised chiefly of sagebrush, shadscale, and sandgrass. There is no timber. Access is provided by U.S. Highway No. 50 and a number of trail roads.

b. Surveyed area in T. 18 N., R. 33½ E. aggregates 3,090.24 acres. The plat was accepted April 9, 1969. The terrain varies from gently rolling to mountainous with elevations from 4,250 to 5,000 feet above sea level. The soil ranges from sandy clay to rocky. Vegetation is comprised of brush and sparse grasses; there is no timber. Access is limited to several trail roads branching from the Dixie Valley Road.

c. The surveyed area in T. 17 N., R. 34 E. aggregates 22,972.23 acres. The plat was accepted April 9, 1969. The elevation varies from 4,100 to 5,200 feet above sea level. The terrain varies from nearly level to mountainous. The soil ranges from sand to rocky alluvium. Vegetation is comprised of brush and grasses; there is no timber. There has been mining activity in the area. Drainage is generally to the north. Access to the area is provided by U.S. Highway No. 50.

d. The surveyed area in T. 18 N., R. 34 E. aggregates 22,880.22 acres. The plat was accepted April 9, 1969. The elevation varies from 3,900 to 6,400 feet above sea level. The terrain varies from gently rolling to mountainous. The soil ranges from sandy clay to rocky. Vegetation is comprised of brush and grasses; there is no timber. There is mining activity in sections 1 and 2. Drainage is generally to the north. Access is provided by the Dixie Valley Road.

e. The surveyed area in T. 19 N., R. 34 E. aggregates 22,683.95 acres. The plat was accepted April 9, 1969. The elevation ranges from 3,700 to 5,200 feet above sea level. The terrain varies from nearly level to mountainous. The soil consists of sandy clay and gravel alluvium. There is no timber. There are numerous mining claims in the southeast portion. Access is provided by the Dixie Valley Road.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., June 27, 1969, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Nevada Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

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

[F.R. Doc. 69-6301; Filed, May 27, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

SECTION 5 LOANS

Availability

A. Section 5 loans may be made only to borrowers of funds loaned for electric facilities under the provisions of section 4 of the Rural Electrification Act which have demonstrated the need for such loans. Loans will not be made in competition with private sources of credit or as a substitution for loan funds available under other Federal programs. REA will not approve the use of section 5 funds where the necessary financing is available from other sources. Section 5 funds may not be used for financing wiring, plumbing, or electrical appliances or equipment for commercial or industrial enterprises.

B. Where a borrower requests a section 5 loan the letter of application should explain the need for the loan, the general purposes for which the loan will be used, and state the rate of interest the electric borrower intends to charge on consumer loans. The letter should also include evidence that the necessary credit is not available in the area to finance the wiring of premises and the acquisition and installation of electrical and plumbing appliances and equipment for the electric borrower's members. This shall consist of:

(1) A written statement summarizing the terms and conditions under which credit, if any, is available to the borrower's consumers. The statement should describe the credit in terms of any limits on the amount which will be financed, the percentage of the installed cost which will be financed, the term for which the financing is available, the repayment period, the interest and other charges associated with the credit, and any other pertinent facts.

(2) Written statements from at least two banks or other sources of consumer credit outlining the terms and conditions under which they will provide such credit. These may be local institutions or those within a reasonable distance of the area which are authorized under State and Federal laws to provide such financing.

(3) A written statement from one or more appliance dealers evaluating the need for credit in the area.

C. All consumer loans in excess of $2,500 require prior REA approval. In requesting such approval, the electric borrower should provide REA with the information considered by its credit committee and board of directors in giving tentative approval to the proposed financing. This should include the basis on which it was determined that the necessary credit is not available from other sources:

D. The Committee on Appropriations of the U.S. Senate will be notified of requests for section 5 loan funds.

E. When a section 5 loan is made, the Administrator will certify to the Secretary of Agriculture the necessity for making the loan. The Committee on Appropriations of the U.S. Senate will be furnished a copy of such certification.

F. If REA determines a loan application need not or cannot be processed for loan approval, or the applicant withdraws or cancels the application, the loan application shall be considered "closed without loan" and removed from official records of pending loan applications. The loan applicant and the Committee on Appropriations of the U.S. Senate will be notified accordingly.

This notice supersedes the notice on section 5 Loans published in 29 F.R. 3172-3173.

Issued this 20th day of May 1969.

DAVID A. HAMIL,
Administrator.

[F.R. Doc. 69-6342; Filed, May 27, 1969; 8:49 a.m.]

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Designation of County

Designation of county within the Great Plains Area of the 10 Great Plains States where the Great Plains Conservation Program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

MONTANA

Meagher.

Done at Washington, D.C., this 23d day of May 1969.

T. K. COWDEN,
Assistant Secretary.

[F.R. Doc. 69-6343; Filed, May 27, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 117-A, Amdt. 4]

MARITIME ADMINISTRATION, MARITIME SUBSIDY BOARD

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on May 26, 1969. This material further amends the material appearing in the FEDERAL REGISTER issue of June 8, 1966 (31 F.R. 8087), and supersedes the material appearing in the issue of January 5, 1968 (33 F.R. 158).

Department Order 117-A of May 20, 1966, as amended, is hereby further amended as follows:

SEC. 2. *General—.02 Maritime Subsidy Board.* The Maritime Subsidy Board is continued within the Maritime Administration. The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator, and the General Counsel of the Maritime Administration, and during a vacancy in any one of those offices, the person acting in such capacity shall be a member of the Board unless the Secretary of Commerce designates another person. In case of the absence or disability of a member of the Board, the Secretary of the Maritime Administration and Maritime Subsidy Board or any other persons designated by the Secretary of Commerce shall act as a member or members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Commerce and exercise judgment independently of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairman of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

Effective date: May 26, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-6379; Filed, May 27, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Issuance of Amended Provisional Facility License

The Atomic Energy Commission has issued Amendment No. 4, set forth below, to Provisional Facility License No. DPR-11. The provisional license as previously issued authorized Northern States Power Co. (NSP) of Minneapolis, Minn., to possess and operate the Pathfinder nuclear reactor located near Sioux Falls, S. Dak. The amendment, effective as of the date of issuance, authorizes NSP to possess, but not to operate, the deactivated Pathfinder facility and incorporates revised Technical Specifications in the amended license. The amendment was issued in accordance with NSP's Application Amendment No. 47 dated November 25, 1968, as modified by Amendment No. 48 dated March 10, 1969, and application for byproduct material license dated March 10, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

Concurrent with the issuance of this amended provisional facility license, the Commission has issued Byproduct Material License No. 22-08799-02 which authorizes NSP to (1) possess, use and store certain byproduct materials formerly covered by the facility license and (2) possess and store the byproduct materials induced and entrained in the steam cycle turbine equipment which was formerly considered a part of the Pathfinder nuclear facility.

For further details with respect to this license amendment, see (1) NSP's Application Amendments Nos. 47 and 48 and the application for byproduct material license, (2) the related Safety Evaluation prepared by the Commission's Division of Reactor Licensing, (3) the revised Technical Specifications, and (4) Byproduct Material License No. 22-08799-02, all of which are available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of May 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License DPR-11, Amdt. 4]

AMENDED PROVISIONAL FACILITY LICENSE

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. There is reasonable assurance that the reactor facility can be possessed in the described condition at the location designated in the application without endangering the health and safety of the public;

C. The Northern States Power Co. is technically and financially qualified to engage in the activities authorized by the amended provisional facility license in accordance with the Commission's regulations;

D. The issuance of the amended license will not be inimical to the common defense and security or to the health and safety of the public;

E. The Northern States Power Co. has furnished proof of financial protection which satisfies the requirements of 10 CFR Part 140; and

F. Prior public notice of the proposed issuance of this amended license for possession of the deactivated Pathfinder nuclear reactor and its nuclear fuel does not involve significant hazard considerations different from those previously evaluated.

2. Provisional Facility License No. DPR-11, as amended, is hereby amended in its entirety to read as follows:

A. This license applies to the controlled recirculation boiling water reactor owned by the Northern States Power Co. (hereinafter, "NSP") and designated by NSP as the Pathfinder nuclear reactor. The facility is located near Sioux Falls, S. Dak., and is described in NSP's application dated March 30, 1959, and amendments thereto, including

Amendment No. 47 dated November 25, 1968, as modified by Amendment No. 48 dated March 10, 1969 (herein collectively referred to as "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses NSP:

(1) Pursuant to § 104.b of the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", to possess, but not to operate, the reactor as a utilization facility;

(2) Pursuant to the Act and Title 10, Chapter I, CFR, Part 70, "Special Nuclear Material," to possess and store at any one time up to (a) 800 kilograms of contained uranium-235 and (b) 224 grams of plutonium encapsulated as two 1-curie and two 6-curie plutonium-beryllium neutron sources; and

(3) Pursuant to the Act and Title 10, Chapter I, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess and store at any one time up to 200 curies of antimony-124 as antimony-beryllium neutron sources, and to possess, but not to separate, such byproduct material as may have been produced by operation of the facility or may be contained in the component parts of the facility.

C. This license shall be deemed to contain and be subject to the conditions specified in 10 CFR Part 20, § 30.34 of 10 CFR Part 30, §§ 50.54 and 50.59 of 10 CFR Part 50 and § 70.32 of 10 CFR Part 70 of the Commission's regulations, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect and to the additional conditions specified below:

(1) NSP shall not reactivate the facility or any system which is open to the reactor pressure vessel without prior approval of the Commission.

(2) NSP shall not dispose of the facility or the property occupied by the facility without prior approval of the Commission.

(3) *Technical Specifications.* The Technical Specifications contained in Appendix A, designated as Change No. 19, are herby incorporated in this license. NSP shall maintain the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications except as otherwise permitted by this license, by the Act, and by the Commission's rules and regulations.

(4) *Records.* In addition to the records heretofore required under this license and by applicable AEC regulations, including § 20.401 of 10 CFR Part 20, NSP shall keep the following:

a. Records of inspections of the deactivated facility, including the results of surveys of radioactivity levels.

b. Records showing radioactivity released or discharged into the air or water beyond the effective control of NSP as measured at or prior to the point of such release or discharge.

(5) *Reports.* In addition to those reports required by applicable AEC regulations, NSP shall submit the following:

a. A report of any indication or occurrence of a possible unsafe condition relating to the facility or to the public. For each occurrence, NSP shall promptly notify by telephone or telegraph the Director of the appropriate AEC Regional Compliance Office listed in Appendix D of 10 CFR Part 20, and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

b. A report to the Director, Division of Reactor Licensing, of the status of the deactivated Pathfinder facility, including the results of the surveys of radioactivity levels and the status of the special nuclear and byproduct materials stored on the Pathfinder nuclear reactor facility site. The first report shall be filed 6 months after issuance of this amended facility license and each 6 months thereafter until such time as NSP files with the Commission's Division of Reactor Licensing its plan for dismantling of the facility, pursuant to § 50.82 of 10 CFR Part 50, and receives Commission approval thereof.

D. This provisional facility license, as amended, is effective as of the date of issuance and shall expire at midnight, March 12, 1970.

Attachment: Appendix A—Technical Specifications.[1]

Date of Issuance: May 14, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6297; Filed, May 27, 1969; 8:45 a.m.]

[Docket No. 50-22]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Order

The Atomic Energy Commission has issued an order, as set forth below, authorizing Westinghouse Electric Corp. to partially dismantle the Westinghouse Testing Reactor located near Waltz Mill, in Westmoreland County, Pa. Facility License No. TR-2, as amended, authorizes possession, but not operation, of the reactor.

A copy of the application dated April 29, 1969, as amended, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of May 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

ORDER AUTHORIZING PARTIAL DISMANTLING OF FACILITY

By application dated April 29, 1969, and supplement dated May 5, 1969, Westinghouse Electric Corp. requested authorization to partially dismantle the shutdown Westinghouse Testing Reactor (WTR).

Operation of the WTR was discontinued in 1962 and it was deactivated by removing all the fuel and draining the reactor pressure vessel.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the proposed removal and disposal of the head tank and supporting structure, the fence surrounding the base of the tank and the associated piping above ground will have no effect on the integrity of the remaining shutdown facility or structures. The dismantling and disposal of contaminated material will be in accordance with the approved health physics provisions of Special Nuclear Material License No. SNM-770 and 10 CFR Part 20. Therefore, the partial dismantling and disposal of the specified portions of the retired facility will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that the Westinghouse Electric Corp. may proceed, in accordance with the terms and conditions of its application, with the partial dismantling of the WTR covered by Facility License No. TR-2, as amended, and disposing of the dismantled components in accordance with the provisions of Special Nuclear Material License No. SNM-770 and 10 CFR Part 20.

Dated: May 19, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6298; Filed, May 27, 1969; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[Docket No. 50-341]

DETROIT EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application dated April 29, 1969 for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 1,157 megawatts derived from a thermal capacity of approximately 3,293 megawatts.

The proposed reactor, designated by the applicant as the Enrico Fermi Atomic Power Plant, Unit No. 2, is to be located at the applicant's 915-acre site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich., about 30 miles southwest of downtown Detroit, Mich. It will be adjacent to the nuclear facility owned and operated by the Power Reactor Development Co. and designated as the Enrico Fermi Atomic Power Plant, Unit No. 1.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 21st day of May 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6307; Filed, May 27, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21037; Order 69-5-114]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension Regarding Increased Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1969.

By tariff revisions[1] described below, American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Trans World Airlines, Inc. (TWA), propose increases in freight rates throughout their domestic systems as follows:

(1) American's proposal, bearing the posting date of April 28, 1969, and marked to become effective June 27, 1969, would increase all general[2] and specific commodity rates for shipments of 100 pounds and over by 7.5 percent, subject to a minimum increase of $1 per 100 pounds for specific commodity rates; the rates for shipments under 100 pounds would be raised by from 5.8 to 11.1 percent.

(2) Eastern's proposal, bearing the posting date of April 7, 1969, and marked to become effective June 1, 1969, would increase both general and specific commodity rates for 100-pound shipments by $2 per 100 pounds. Eastern also would establish 200-pound weight breaks $1.50 per 100 pounds above the current 100-pound rates and 500-pound weight breaks $1 per 100 pounds above the current 100-pound rates. General commodity rates for shipments under 100 pounds would be increased 1 cent per pound only when necessary to make such rates above the rates for 100-pound shipments;

(3) TWA's proposal, bearing the posting date of March 12, 1969, and marked to become effective June 1, 1969, proposes to increase its general commodity freight rates at all current weight breaks. In addition, the carrier proposes to establish weight breaks at 200 and 500 pounds, generally above the applicable rates currently in effect.

Numerous complaints requesting investigation and suspension of the proposals were submitted by shippers and their representatives and forwarders.[3] Several statements were submitted wholly or partially in support of or in opposition to certain of the proposals.

The shipper complaints variously assert, inter alia, that the proposed rate increases (1) would have a serious impact upon shippers and the marketability of their products, (2) would significantly restrict the volume of air freight, (3) are based upon questionable factual data, and (4) would be unjustly discriminatory to the extent that the increases would be confined to certain rates, such as those on small shipments.

The forwarder complaints, directed against the proposals of American and TWA but not against Eastern's, variously claim, inter alia, that the rate increases for larger shipments are not reasonably related to costs and would not give forwarders the volume spreads between weight breaks necessary for the forwarders' viable operations.

In support of their proposals and in answer to the complaints, all three carriers assert, inter alia, that (1) their current freight rates are not compensatory, as indicated by continued operating losses or inadequate profits from all-cargo aircraft operations, and (2) rate increases are needed to make their all-cargo operations less uneconomic (especially since labor and capital unit costs are rising) but that the proposals would not by themselves suffice to yield adequate profits for such operations. Based upon total 1968 freight revenues, the carriers estimate the following increases in revenues that would have resulted from their current proposals: American—$5.5 million, 7.4 percent of total freight revenues; Eastern—$1.7 million, 7.3 percent; and TWA—$4 million, 10.2 percent, assuming no diversion to forwarders, and $2.7 million, 6.8 percent, after deducting such diversion.

The proposals of Eastern and TWA involve much sharper percentage increases for small shipments and shorter hauls than for relatively large shipments (Eastern's proposal includes no increases for shipments of 1,000 pounds and over) and for longer hauls. Both carriers claim that their proposals are properly related to costs. American's proposal involves across-the-board increases of generally uniform magnitude, but the carrier states that rate structure adjustments along the line of that proposed by TWA are required. American considers that its current filing will provide interim relief only.

Upon consideration of the complaints and all other relevant matters, the Board finds that the rate proposals filed by Eastern and TWA may be unjust, unreasonable, or unjustly discriminatory, or unjustly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.

Eastern's proposal involves increases in both general and specific commodity rates up to 33 percent for shipments below 1,000 pounds. The sharpest increases would occur for the shortest hauls and for shipments from 100 to 199 pounds. The increases would decline for larger shipments, the smallest increases being applied to shipments between 500–999 pounds, and for longer hauls. TWA's proposal involves increases in general commodity rates at all current weight breaks ranging up to 37 percent. The sharpest increases would typically occur in markets involving hauls of about 1,000 miles or less. In a number of instances, reductions are proposed for shipments of 500–999 pounds for medium and long hauls and in a few long-haul markets at other weight breaks.

By order 69–3–94, adopted March 26, 1969, the Board suspended pending investigation general commodity rates proposed by United Air Lines, Inc. (United), involving increases up to 33 percent for shipments below 1,000 pounds.[4] The Boards suspension was based upon the apparent significant impact upon certain shippers, according to complaints submitted by them. We stated that, "Although the carrier may be entitled to some revenue increases from air freight, we are not prepared to permit the proposals as those now before us to become effective and will suspend them pending investigation."

For essentially the foregoing reasons, the Board will suspend Eastern's and TWA's proposals. TWA's proposed rates are practically identical to United's suspended rates for shipments under 100 pounds and for shipments with minimum weights of 100 and 200 pounds. TWA's rates for shipments with a minimum weight of 500 pounds would be either identical to United's applicable proposed rates or somewhat lower. For shipments of 1,000 pounds and over, however, TWA's proposal involves increases up to 37 percent over its own current rates, while United's proposal did not affect such rates.

Eastern's proposal similarly involves increases for shipments up to 33 percent, although this percent declines faster than for TWA as shipment size and distance increase.

With respect to American's proposal, on the other hand, upon consideration of all relevant matters, the Board finds that the complaints do not set forth facts sufficient to warrant investigation, and the request therefor, and consequently the request for suspension, will be denied.

American's proposal would involve increases that for the most part are equal to only 7.5 percent. It appears to us that such increases would not have a sharp impact upon numerous shippers and would provide a reasonable compromise between the carrier's requirement for additional revenues and the shippers' need that sharp rate increases not be imposed upon them at one step.

Although there were a number of shipper complaints against the proposals of both Eastern and TWA, in addition to forwarder complaints against TWA's filing, the only complaints, with one exception, against American's proposal were from forwarders. The latter criticized the increases proposed by American for larger shipments, alleging that such increases were not justified by costs and would threaten the viability of forwarder operations.

The only shipper complaint against American's proposal was from Allied-American Bird Co., which assailed the premium rates on birds. These rates, 250 percent of the applicable general commodity rates, are said by the complainant to be exorbitant and the increase proposed (indicated as 7.73 percent) is alleged to be unduly burdensome, and not

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[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariffs CAB Nos. 8, 12, and 26 (Agent J. Aniello series) and 115.

[2] Including general commodity rates applicable to parcel post shipments, i.e., those consigned to a U.S. Post Office. The increases proposed in these rates are subject to a minimum of $1 per 100 pounds.

[3] Complaints against American's proposal were filed by Airborne Freight Corp., Allied-American Bird Co., Domestic Air Express, Inc., and WTC Air Freight. Complaints against Eastern's proposal were submitted by Aquarium Supply Co., National Fisheries Institute, Inc., the Secretary of the Interior, and the Society of American Florists and Ornamental Horticulturists. Complaints against TWA's proposal were filed by Airborne Freight Corp., Aquarium Supply Co., Domestic Air Express, Inc., Emery Air Freight Corp., the Secretary of the Interior, Western Regional Floral Traffic Conference, Inc., Wings and Wheels Express, Inc., and WTC Air Freight.

[4] United canceled its suspended tariffs pursuant to special tariff permission granted by the Board.

warranted by American's costs. It should be noted, however, that a number of other carriers have a premium rate of 250 percent of the general commodity rates for live birds (except baby poultry) and certain other types of live animals.

The Society of American Florists and Ornamental Horticulturists, which had complained against United's suspended proposal and Eastern's current filing, filed a statement asserting that it is not opposed in principle to increasing rates by 7.5 percent upon clear justification for additional revenue. It opposes, however, the proposed minimum increase of $1 per 100 pounds in specific commodity rates. The Society favors an expiry date for American's proposal of 1 year from date of effectiveness, during which period a broad investigation into air freight rates should be conducted.

For calendar year 1968, American reported a gross operating profit for its all-cargo airlift operations of $339,000 before taxes and $164,000 after taxes. The carrier estimates that, based on 1968 operations, its proposal would have yielded additional gross revenues of $5.5 million, which would result in a net return after provision for taxes of $3.7 million or 3 percent return on its average investment for 1968. The trunkline carriers (both passenger/cargo and all-cargo) reported that their all-cargo domestic aircraft services in the calendar year 1968 incurred an operating loss before income taxes of $11,192,000. All-cargo operations account for about 54 percent of total trunkline freight revenues, and as such, are a fair indication of the economics of cargo operations. In the light of these facts, the increases proposed, which in general are not in excess of 7½ percent, should improve the relationship of overall freight revenues to expenses and should not result in unreasonable rates. By the same token, we do not deem it appropriate to require the carrier to place an expiry date on its tariff.

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

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto[3] (except rates applying to or from Canadian points) are suspended and their use deferred to and including August 29, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Airborne Freight Corp. in Dockets 20834 and 20987, Allied-American Bird Co. in Docket 20957, Aquarium Supply Co. in Dockets 20842 and 20921, Domestic Air Express, Inc., in Dockets 20841 and 20986, Emery Air Freight Corp. in Docket 20839, National Fisheries Institute, Inc., in Docket 20927, Secretary of the Interior in Dockets 20846 and 20918, Society of American Florists and Ornamental Horticulturists in Docket 20922, Western Regional Floral Traffic Conference, Inc., in Docket 20835, Wings and Wheels Express, Inc., in Docket 20844, and WTC Air Freight in Dockets 20840 and 20979 are hereby dismissed;

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

5. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., Airborne Freight Corp., Allied-American Bird Co., Aquarium Supply Co., Domestic Air Express, Inc., Emery Air Freight Corp., National Fisheries Institute, Inc., Secretary of the Interior, Society of American Florists and Ornamental Horticulturists, Western Regional Floral Traffic Conference, Inc., Wings and Wheels Express, Inc., and WTC Air Freight, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-6324; Filed, May 27, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-5-98]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 22, 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 Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 9, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-74 through R-77, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-6325; Filed, May 27, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-5-95]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 21, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 9, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-23 through R-25, be and hereby is deferred with a view toward eventual approval:

[3] Filed as part of the original document.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

Provided, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6326; Filed, May 27, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

AFFILIATED BANK CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Affiliated Bank Corp., Madison, Wis., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Bank of Madison and Hilldale State Bank, both of Madison, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Affiliated Bank Corp., Madison, Wis., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Bank of Madison and Hilldale State Bank, both of Madison, Wis.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banking of the State of Wisconsin of receipt of the application and requested his views and recommendation. The Commissioner made no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1969 (34 F.R. 1707), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

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

Dated at Washington, D.C., this 19th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6308; Filed, May 27, 1969; 8:46 a.m.]

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

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of Delmar Bank of University City, University City, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), and application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Delmar Bank of University City, University City, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 24, 1968 (33 F.R. 19211), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6309; Filed, May 27, 1969; 8:46 a.m.]

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

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of The Kirkwood Bank, Kirkwood, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of The Kirkwood Bank, Kirkwood, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 24, 1968 (33 F.R. 19211), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6310; Filed, May 27, 1969; 8:46 a.m.]

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

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the Application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of Union State Bank, St. Charles, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Union State Bank, St. Charles, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 24, 1968 (33 F.R. 19211), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6311; Filed, May 27, 1969; 8:46 a.m.]

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

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations, Temporary Reg. H-10]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Housing and Urban Development to dispose of surplus real property at Selfridge Air Force Base, Clinton Township, Macomb County, Mich.

2. *Effective date.* The delegation of authority is effective immediately.

3. *Background.* a. On August 30, 1967, the President established a Special Task Force composed of the Secretary of Defense, the Secretary of Housing and Urban Development, the Attorney General, and the Administrator of General Services, to survey surplus and potentially surplus Federal properties throughout the Nation, and, with State and local officials, to evaluate the prospects for transferring these lands into vital and useful community resources, primarily to satisfy critical urban needs for housing.

b. Two of the properties selected for such purposes are situated within the Selfridge Air Force Base and consist of approximately 19.36 acres of land at Installation No. 1478, Joy Communication Facility Annex, and approximately 29.10 acres of land at Installation No. 1479, Selfridge Housing Annex No. 1.

c. It is considered that the proper development of these properties to serve the Government's program may be accomplished more expeditiously if direct control is exercised by the Department of Housing and Urban Development over all disposal actions affecting its program. The delegation of authority provided in this regulation is designed to afford the Department of Housing and Urban Development such control.

4. *Delegation.* a. Pursuant to the authority vested in me by section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)), authority is delegated to the Secretary of Housing and Urban Development to dispose of the following described properties, together with any improvements and related personal property located thereon:

(1) Installation No. 1478, Joy Communication Facility Annex, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated October 11, 1967, and the two amendments thereto, dated January 19, 1968, and February 6, 1968, respectively, from the Department of the Army (GSA Control No. D-Mich-603A).

(2) Installation No. 1479, Selfridge Housing Annex No. 1, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated April 4, 1967, from the Department of the Army (GSA Control No. D-Mich-603).

The General Services Administration has determined this property to be surplus to the needs and responsibilities of the Government. Any portion of this property not disposed of as surplus property by the Department pursuant to this delegation or pursuant to section 108 of the Housing Act of 1949, as amended, shall, on notice from the Department of Housing and Urban Development, be released from the purview of this delegation.

b. The Secretary of Housing and Urban Development may redelegate this authority to any officer, official, or employee of the Department of Housing and Urban Development.

c. The authority conferred in this delegation shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. Disposals accomplished under this delegation of authority may include conveyances for commercial and industrial development purposes provided such use of the property will be integrally related to the expected needs of the HUD program. A right-of-way for an underground telephone cable is reserved to the Government at Installation No. 1478, and any disposal of the property shall be made subject to that reservation. The Department of Housing and Urban Development, as the disposal agency, shall be responsible for securing any necessary appraisals in accordance with FPMR 101-47.303-4. The Department shall assume the expense of care, handling, protection, and maintenance of the property.

d. The Department of Housing and Urban Development shall submit to the Commissioner, Property Management and Disposal Service, General Services Administration, Washington, D.C. 20405, a record of each separate disposition of property accomplished under this delegation in the format specified by the Commissioner, Property Management and Disposal Service.

Dated: May 22, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-6313; Filed, May 27, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1804]

ASSOCIATED INVESTORS SECURITIES, INC.

Notice of Filing of Application for Order That Company Is Not an Investment Company

MAY 22, 1969.

Notice is hereby given that Associated Investors Securities, Inc. ("Associated") Broadway at Second, Little Rock, Ark., an Arkansas corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it 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. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Empire Life Insurance Company of America ("Empire"), a life insurance company organized under the laws of Alabama, owns 42.30 percent of Associated's voting securities outstanding. In addition, Empire owns indirectly 15.72 percent of Associated's voting securities outstanding.

A summary of Associated's assets as of June 30, 1968, on the basis of values assigned by Associated, shows total assets $4,243,637. Of this amount, $538,206 is represented by 25.62 percent of the outstanding voting securities of First Equity Corp. ("First Equity"); and $3,582,418 is represented by 35.30 percent of the outstanding voting securities of National Investors Life Insurance Co. ("NILIC").

Investment securities represented by Associated's holdings of securities of First Equity and NILIC aggregate $4,120,624 or approximately 98 percent of total assets exclusive of cash and Government securities. Consequently it appears that Associated is an investment company, as defined in section 3(a)(3) of the Act.

However, Associated claims that it is entitled to a finding that it is not an investment company because of the circumstances discussed below.

Table I shows (1) the interests of Associated in First Equity and NILIC, (2) the interests of First Equity and NILIC in certain other companies, and (3) for each company, the percentage of stock ownership and the nature of its business.

TABLE I

Company [1]	Percent voting securities owned	Nature of business
Associated Investors Securities, Inc:		
National Investors Life Insurance Co.	35.30	Life insurance.
Great Atlantic Life Insurance Co.	80.00	Do.
Investors Equity of the West, Inc.	35.66	Holding company.
National Equity Life Insurance Co. of Hawaii.	87.46	Life insurance.
National Investors Fire & Casualty Insurance Co.	62.67	Fire & casualty insurance.
First Equity Corp.[2]	25.62	Holding company.
National Investors Life Insurance Co. of Arizona.	52.23	Life insurance.
Investors Equity Life Insurance Co. of Hawaii, Ltd.	53.03	Do.
National Investors Life Insurance Co. of Georgia.	63.80	Do.
National Investors Life Insurance Co. of Nebraska.	55.95	Do.
National Investors Life Insurance Co. of Colorado.	54.37	Do.

[1] Indentation of name denotes ownership by company appearing above.
[2] Also owns 3.97% of Associated's voting securities.

Associated states that it controls each of the other companies listed in Table I; that officers and directors of Associated participate in the management of each of such other companies; and, accordingly, that Associated is primarily engaged in the insurance business through such other companies.

Section (3)(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than June 12, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. 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 Associated at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6314; Filed, May 27, 1969; 8:46 a.m.]

[812-2522]

SCHRODERS INC. ET AL.

Notice of Filing of Application

MAY 21, 1969.

In the matter of Schroders Inc., 57 Broadway, New York, N.Y. The Estate Fund Management Corp., 235 South Main Street, Salt Lake City, Utah 84111, and Industry Fund of America, Inc., 235 South Main Street, Salt Lake City, Utah 84111; 812-2522.

Notice is hereby given that The Estate Fund Management Corp. ("Management"), a Utah corporation which is the principal investment adviser to Industry Fund of America, Inc. ("IFA"), an open-end investment company registered under the Investment Company Act of 1940 ("Act") and Schroders Inc. ("Schroders"), a Delaware corporation which under contract with Management is the subadviser to IFA, have applied pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 15 of the Act to the extent said provisions may prevent Schroders from acting as a subinvestment adviser to IFA pursuant to an investment advisory contract with Management until such contract has been approved or disapproved by the vote of a majority of the outstanding voting securities of IFA at the next annual stockholders meeting of IFA, or August 31, 1969, whichever first occurs. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On January 31, 1969, an order of the Commission was entered exempting Schroders, which had acquired the investment advisory business of Naess & Thomas, from the provisions of section 15 of the Act to the extent said provisions prevented Schroders from acting as investment adviser to several funds including IFA, from January 31, 1969, until the respective investment advisory contract relating to each of such funds had been approved or disapproved by the vote of a majority of the outstanding voting securities thereof at the respective next annual meeting thereof, or

May 1, 1969, whichever first occurred. The annual meeting of the stockholders of IFA, which was to be held during February 1969, has not been called because The South Dakota Corp., a South Dakota corporation ("South Dakota"), has negotiated an agreement with Management whereby South Dakota will make a tender offer for Management stock and Management will sell to South Dakota that number of Management shares which together with the shares of Management tendered to South Dakota will give South Dakota at least a majority of the outstanding stock of Management. The obligation of South Dakota to acquire the stock is conditioned on the approval by the shareholders of IFA of a management contract between Management and IFA when Management is under the control of South Dakota.

The directors of IFA and the directors of Management have voted in favor of having Schroders continue to render investment advisory services to Management to assist Management in advising IFA so long as such action is lawful.

Section 15(a) of the Act provides, in part, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company.

It is requested that an exemption from section 15 of the Act be granted to the extent necessary to permit Schroders to continue as subadviser to IFA pursuant to Schroders contract with Management from May 1, 1969, until such time as such contract is approved or disapproved by the vote of a majority of the outstanding voting securities of IFA at the next annual meeting thereof, or August 31, 1969, whichever first occurs, so that all of these matters; i.e., a subadvisory contract with Schroders, an advisory contract with Management when it is under the control of South Dakota, and an underwriting contract with a subsidiary of Management when Management is under the control of South Dakota, may be considered by the shareholders of IFA at the same meeting.

Schroders has agreed, if this application is granted, to extend its contract with Management, pursuant to which services are rendered approximately at cost (computed by reducing by 25 percent the fee previously paid to Naess & Thomas), to August 31, 1969, or the date of the shareholders meeting of IFA, whichever is first.

Section 6(c) of the Act provides, in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 11, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing theron. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. 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 stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6315; Filed, May 27, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 23, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41638—*Phosphatic fertilizer solution from and between points in southern territory.* Filed by O. W. South, Jr., agent (No. A6099), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, between points in southern territory; also from points in southern territory, on the one hand, to points in Wyoming, on the other.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplements 49, 51, and 56 to Southern Freight Association, agent, tariff ICC S-762, and supplements 23 and 30 to Southern Freight Association, agent, tariff ICC S-754.

By the Commission.

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

[F.R. Doc. 69-6329; Filed, May 27, 1969; 8:47 a.m.]

[Notice 552]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 23, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 39406 (Deviation No. 7), CENTRAL MOTOR LINES, INC., Post Office Box 1067, Charlotte, N.C. 28201, filed May 16, 1969. Carrier's representative: Stewart E. Fulk, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Richmond, Va., and Florence, S.C., over Interstate Highway 95 (traversing the following highways pending completion of Interstate Highway 9: U.S. Highway 301 from junction Interstate Highway 95 near Battleboro, N.C., and junction Interstate Highway 95 near Kenley, N.C.; U.S. Highway 301 from junction Interstate Highway 96 near Fayetteville, N.C., and junction Interstate Highway 95 approximately 9 miles south of Fayetteville, N.C., and U.S. Highway 301 from junction Interstate Highway 95 near the North Carolina-South Carolina State line and junction Interstate Highway 95 near Dillon, S.C.), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., via the Holland Tunnel to Jersey City, N.J., thence over Business and Truck U.S. Highway 1 to junction U.S.

Highway 1 at Newark, N.J., thence over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 13 to State Road, Del., thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Raleigh, N.C., thence over unnumbered highway (formerly portion U.S. Highway 1) via Cary, N.C., to junction U.S. Highway 1 near Apex, N.C., thence over U.S. Highway 1 to junction U.S. Highway 15–501, near Sanford, N.C., thence over U.S. Highway 15–501 to Carthage, N.C., thence over North Carolina Highway 27 to Charlotte, N.C., thence over U.S. Highway 21 to Rock Hill, S.C., thence over South Carolina Highway 72 to Chester, S.C., thence over U.S. Highway 321 to West Columbia, S.C., thence over U.S. Highway 1 to junction South Carolina Highway 421, thence over South Carolina Highway 421 via Clearwater, S.C., to junction South Carolina Highway 125, thence over South Carolina Highway 125 to North Augusta, S.C.

(2) From Henderson, N.C., over Alternate U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 15 to Durham, N.C.; (3) from Raleigh, N.C., over U.S. Highway 70 (portion formerly Alternate U.S. Highway 70), to junction U.S. Highway Business 70 east of Hillsborough, N.C., thence over U.S. Highway Business 70 to junction U.S. Highway 70 west of Hillsborough, N.C., thence over U.S. Highway 70 (portion formerly Alternate U.S. Highway 70 to Greensboro, N.C.; (4) from Greensboro, N.C., over U.S. Highway 220 to Asheboro, N.C., thence over U.S. Highway 64 to Siler City, N.C.; (5) from Asheboro, N.C., over U.S. Highway 220 to Rockingham, N.C., thence over U.S. Highway 1 to Wallace, S.C.; and (6) from Wallace, S.C., over U.S. Highway 1 to Cheraw, S.C., thence over U.S. Highway 52 to Florence, S.C., and return over the same routes.

By the Commission.

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

[F.R. Doc. 69-6330; Filed, May 27, 1969; 8:47 a.m.]

[Notice 1297]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 23, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 30204 (Sub-No. 27 (Republication), filed September 4, 1968, published in the FEDERAL REGISTER issue of September 26, 1968, and republished this issue. Applicant: HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, Mass. 02740. Applicant's representative: Carroll B. Jackson, 5600 Midlothian Turnpike, Richmond, Va. 23225. By application filed September 4, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Moore Business Forms, Inc., at or near Thurmont, Md., as an off-route point in connection with its presently held authority. By order of the Commission, dated November 7, 1968, and served November 14, 1968, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 3, decided May 12, 1969, and served May 16, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *business forms* from the plantsite of Moore Business Forms, Inc., at Thurmont, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) of *materials and supplies* used in the manufacture of business forms from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to the plantsite of Moore Business Forms, Inc., at Thurmont, Md.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107515 (Sub-No. 628) (Republication), filed September 10, 1968, published FEDERAL REGISTER issue of October 3, 1968, and republished this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). By application filed September 10, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of plastic material, liquid, and film on sheeting other than cellulose, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Norwalk, Conn., to Marietta, Ga., Marion and Alexandria, Va., Orlando, Fla., Nashville, Tenn., Cincinnati, Akron, and Columbus, Ohio, Indianapolis, Ind., Wichita, Kans., Tulsa, Okla., St. Louis, Mo., Lincoln, Nebr., Fort Worth, Tex., and Lansing, Mich. A report of the Commission, Review Board No. 2, decided May 15, 1969, and served May 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *adhesives, epoxy impregnated fabrics, molding compounds, and thinners*, except in bulk, in vehicles equipped with mechanical refrigeration, from Norwalk, Conn., to Marietta, Ga., Portsmouth, Akron, and Columbus, Ohio, Fort Worth, Tex., and Wichita, Kans.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107818 (Sub-No. 29) (Republication), filed June 10, 1963, published in FEDERAL REGISTER issue of September 18, 1963, and republished this issue. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's representative: Martin Sack, Gulf Life Tower, Jacksonville, Fla 32207. On October 12, 1965, applicant was issued a certificate in Docket No. MS 107818 (Sub-No. 29), which reads as follows: Irregular routes: *Fresh, frozen, and canned meats, and dairy products*, restricted to mixed loads of meats and dairy products, from St. Paul, Minn., Chicago, Ill., and points in Wisconsin, to points in Alabama, Florida, Georgia, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized. Protestants herein subsequently filed a petition seeking, inter alia, reopening for further hearing, which petition was denied by order dated

November 3, 1967, and said protestants subsequently filed a complaint seeking judicial review of the Commission's action. On February 4, 1969, the U.S. District Court for the Northern District of Georgia, Atlanta Division, entered its judgment in its Civil Action No. 11402, Refrigerated Transport Co., Inc. v. United States, et al., remanding this matter to the Commission for republication of notice in the FEDERAL REGISTER of the scope of authority granted in said certificate dated October 12, 1965, and for further hearing thereafter, and applicant has no objection thereto. An order, of the Commission, dated April 7, 1969, and served May 19, 1969, decrees that the above-styled proceeding be, and it is hereby, reopened; and that after publication in the FEDERAL REGISTER, this proceeding be set for further hearing, in a manner consistent with the court's opinion at a time and place to be hereafter determined by the Commission.

No. MC 117698 (Sub-No. 6) (Republication), filed December 9, 1968, published in FEDERAL REGISTER issue of December 28, 1968, and republished this issue. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Brooman, 140 Main Street, Oneonta, N.Y. 13820. By application filed December 9, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) ice cream, ice cream products, ice confections, ice mix, such as ice cream in bulk (not over 5 gallons) and in small containers, fudgsicles, popsickles, cones, candied ice cream sherberts in bulk (not over 5 gallons) or in small containers, or insticks, to be transported in refrigerated trailers and not in bulk or tank vehicles, from Suffield, Conn., to Worcester, Mass., Providence, R.I., Ellenville, N.Y., and Rockville and Gaithersburg, Md. No return movement unless rejected products are returned to the plant at Suffield, Conn.; and (2) milk, cream, cheese, and milk products packaged in paper cartons or glass, to be transported in refrigerated trailers and not in bulk or tank vehicles, from Agawam, Mass., to Hartford and New Haven, Conn. An order of the Commission, Operating Rights Board, dated April 17, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *ice cream, ice cream products, ice confections, ice mix, fudgsicles, popsickles, cones, and candied ice cream sherberts* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Suffield, Conn., to Worcester, Mass., Providence, R.I., Ellenville, N.Y., and Rockville, Md.; and

(2) *Milk, cream, cheese, and milk products,* in containers, in vehicles equipped with mechanical refrigeration, from Agawam, Mass., to Hartford and New Haven, Conn.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118282 (Sub-No. 17) (Republication), filed August 7, 1968, published FEDERAL REGISTER, issue of August 29, 1968, and republished this issue. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. In the above-entitled proceeding, as modified, the examiner recommended the issuance to applicant, a certificate authorizing the operations, in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of plastic or rubber articles, plastic or rubber articles combined with wood and/or metal, carpets or carpeting made of synthetic fiber, and incidental accessories for such articles (except commodities in bulk), from the sites of the plant and warehouse of Rubbermaid Commercial Products, Inc., at or near Winchester, Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas. A Decision and Order of the Commission, Review Board Number 3, dated May 9, 1969, and served May 16, 1969, as modified, finds that operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *plastic and rubber articles, and synthetic fiber carpeting,* from the plantsites and warehouses of Rubbermaid Commercial Products, Inc., at or near Winchester, Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127141 (Sub-No. 4) (Republication), filed July 19, 1968, published FEDERAL REGISTER issue of September 6, 1968, and republished this issue. Applicant: ERNEST FALEN, Route 6, Caldwell, Idaho 83605. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. By report and order entered in the above-entitled proceeding, the examiner recommended the issuance to applicant a certificate of public convenience and necessity, authorizing the operation, in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of, the commodities, to and from points substantially as indicated below. An order of the Commission, Division 1, served April 22, 1969, and effective May 12, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, in the transportation of *canned or preserved foodstuffs, malt beverages, wine, bananas, frozen foods, and agricultural commodities,* the transportation of which is partially exempt from regulation under section 203(b)(6) of the Interstate Commerce Act when transported in the same vehicle and at the same time with the foregoing commodities, from points in California, to Nyssa, Oreg., with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted to traffic destined to Nyssa, Oreg.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Provided further, however, that notice of the foregoing authority shall be published in the FEDERAL REGISTER and the issuance of a certificate in this proceeding shall be withheld for a period of not less than 30 days from the date of such publication, during which period any interested party may file an appropriate petition for leave to intervene in this proceeding, such petition setting forth in detail the precise manner in which petitioner may have been prejudiced by the lack of proper notice of this application.

No. MC 133243 (Sub-No. 1) (Republication), filed November 14, 1968, published in FEDERAL REGISTER issue of December 5, 1968, and republished this issue. Applicant: GOSSELIN EXPRESS LTD., 8535 Pascal Gagnon Street, Montreal, Province of Quebec, Canada. Applicant's representative: Adrien Roger Paquette, 200 St. James Street West, Suite 1010, Montreal, Province of Quebec, Canada. By application filed November 14, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of motorized snowmobiles (except commodities in bulk, in tank vehicle) by

specially designed low-bed trailers, between ports of entry on the international boundary line between the United States and Canada located in New York and Michigan on the one hand, and, on the other, points in New York, Michigan, and Minnesota: under contract with Sno Jet, Inc., of Thetford Mines, Province of Quebec, Canada. An order of the Commission, Operating Rights Board, dated April 30, 1969, and served May 20, 1969, finds that operations by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of *snowmobiles* from those ports of entry on the international boundary line between the United States and Canada, located in New York and Michigan, to points in New York, Michigan, and Minnesota, under a continuing contract with Sno Jet, Inc., of Thetford Mines, Quebec, Canada, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 56679 (Sub-No. 28) (Notice of Filing of Petition for Clarification of Certificate), filed May 8, 1969. Petitioner: BROWN TRANSPORT CORP., Atlanta, Ga. Petitioner's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Petitioner, as successor in interest to Osborn, Inc., seeks a clarification of the certificate of public convenience and necessity that was issued on August 2, 1966, to Osborn, Inc., in No. MC–119268 (Sub-No. 49), which has now been transferred to petitioner and is a part of petitioner's certificate in No. MC 56679 (Sub-No. 28) (sheet 4 thereof). Said certificate, Sheet 4, authorized the holder thereof to operate in interstate or foreign commerce, as a common carrier, over irregular routes, as follows: "*Rugs, carpets, carpeting,* and *tufted textile products,* from Chattanooga, Tenn., and points in Georgia except those south and east of a line beginning at the South Carolina-Georgia State line and extending west along U.S. Highway 278 to junction Georgia Highway 20 at Conyers, Ga., thence south along Georgia Highway 20 to junction U.S. Highway 23 at McDonough, Ga., thence south along U.S. Highway 23 to junction Interstate Highway 75 at or near Bolingbroke, Ga., thence along Interstate Highway 75 to the Georgia-Florida State line, to points in Iowa, Minnesota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted against the transportation of shipments destined to points in Illinois." By the instant petition, petitioner seeks the clarification of said certificate, in one respect, and that is in connection with the commodity description now contained in said certificate as "tufted textile products", so that the same will henceforth read when clarified as "textile products and related articles." Any interested person desiring to participate may file an original and six copies of his written representations, views or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124254 and No. MC 124254 (Sub-No. 2), (Notice of Filing of Petition for Modification of Permit), filed May 5, 1969. Applicant: NORTHERN MAINE TRANSPORT, INC., 108 Hildreth Street, Post Office Box 1404, Bangor, Maine 04401. Petitioner is authorized in No. MC 124254 to conduct contract carrier operations, over irregular routes, transporting: *Malt beverages and advertising materials* when moving in connection therewith, from Natick and Boston, Mass., Albany and New York, N.Y., Newark, N.J., and Baltimore, Md., to Bangor, Caribou, and Presque Isle, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Bangor Bottling Co., Inc., Bangor, Maine, Briggs, Inc., Brewer, Maine, Aroostook Beverage Co., Caribou, Maine, Northern Maine Distributors, a corporation, Presque Isle, Maine. In No. MC 124254 (Sub-No. 2), over irregular routes transporting: *Malt beverages and advertising materials* when moving in connection therewith, from Lawrence, Mass., to Presque Isle, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with Northern Maine Distributors, Presque Isle, Maine. From Rochester, N.Y., and Cranston, R.I., to Caribou, Maine, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Aroostock Beverage Co., Caribou, Maine. From Lawrence, Mass., and Cranston, R.I., and Rochester, N.Y., to Bangor, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Briggs, Inc., Brewer, Maine. From Newark, N.J., and Rochester and Albany, N.Y., to Bangor, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Artic Spring Bottling Co., Bangor, Maine. *Carbonated beverages and flavoring syrup* (except in bulk, in tank vehicles), and *advertising materials* when moving in connection therewith, from Waltham, Mass., to Caribou, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Aroostock Beverage Co., Caribou, Maine. From Waltham, Mass., to Bangor, Maine, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Bangor Bottling Co., Inc. By the instant petition, petitioner seeks to remove the name of Artic Spring Bottling Co., from its existing permit, because that company is out of business. Also, Bangor Bottling Co., Inc., of Bangor, Maine, and Northern Maine Distributors, a corporation of Presque Isle, Maine, have been merged and the surviving corporation is Bangor Beverage Distributors, a corporation, of Bangor, Maine. Petitioner also desires to add an additional contracting shipper, Anderson Beverage Co., for traffic moving from Cranston, R.I., to Caribou, Maine. Petitioner also requests the Commission to modify its contract carrier permit by adding as a named shipper, Maine Distributors, a corporation of 90 Miller Street, Bangor, Maine, to its authority to transport malt beverages and advertising materials when moving in connection therewith, from New York, N.Y., Newark, N.J., and Baltimore, Md., to Bangor, Caribou, and Presque Isle, Maine. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129467 (Notice of Filing of Petition To Add Additional Shipper), filed April 29, 1969. Petitioner: BACON, INCORPORATED, Refinery and Industrial Road, Post Office Box 1134, Ardmore, Okla. Petitioner's representative: Arthur L. Claussen, 303 New England Building, Topeka, Kans. 66603. Petitioner is authorized in permit No. MC 129467 to conduct operations as a motor contract carrier, by motor vehicle, over irregular routes, transporting Industrial Asphalt, in bulk, in tank vehicles, from El Dorado, Kans., to Kansas City, Mo., under contract with Trumbull Asphalt Co. of Kansas City, Mo. By the instant petition,

petitioner seeks to add American Petrofina Co. of Texas as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-10464. (Correction), (CROUSE CARTAGE CO.—Purchase (Portion)—BOS LINES, INC.), published in the May 7, 1969, issue of the FEDERAL REGISTER, on page 7406. This notice to show the authority sought to be transferred to read in lieu of the prior description: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and commodities injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Chicago, Ill., and Des Moines, Iowa, serving all intermediate points, and the off-route points of Ferguson, Mitchellville, and Kellogg, Iowa; etc.

No. MC-F-10478. (Correction), (CROUCH BROS., INC.—Purchase—MOMSEN TRUCKING CO.), published in the May 21, 1969, issue of the FEDERAL REGISTER, on page 8011. This notice to show the correct authority sought to be transferred should read in lieu of the prior description: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Esterville, Iowa, on the one hand, and, on the other, St. Paul and Minneapolis, Minn.

No. MC-F-10480. Authority sought for purchase by P. WAJER & SONS EXPRESS CO., INC., Post Office Box 460, rights of DALEY TRUCKING COMPANY, INC., 5 Ashworth Terrace, Haverhill, Mass. 01830, and for acquisition by ROBERT WAJER, ROMAN WAJER, and JOSEPH WAJER, all also of Webster, Mass. 01570, of control of such rights through the purchase. Applicants' attorney: Martin Werner, Werner & Alfano, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: Under certificates of registration, in Docket No. MC-57779 Sub-1, covering the transportation of general commodities as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-58946 Sub-No. 4 is a matter directly related.

No. MC-F-10481. Authority sought to purchase by WILLIS SHAW FROZEN EXPRESS, INC., Box 188, Elm Springs, Ark. 72728, of a portion of the operating rights of BONNEY MOTOR EXPRESS, INC., Box 12388, Norfolk, Va. 23502, and for acquisition by WILLIS D. SHAW, also of Elm Springs, Ark., of control of such rights through the purchase. Applicants' attorneys: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004 and Harry C. Ames., Jr., 705 McLachlen Bank Building, Washington, D.C. 20001. Operating rights sought to be transferred: *Frozen foods*, as a *common carrier* over irregular routes, from Crozet, Va., to points in Missouri, from Crozet, Va., to points in Iowa, from Crozet, Va., to points in Colorado, Kansas, Nebraska, North Dakota, and South Dakota; *foodstuffs*, from points in that part of Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Ohio and West Virginia, and those points in that part of Pennsylvania on and west of U.S. Highway 220, Vendee is authorized to operate as a *common carrier* in Arkansas, Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Washington, Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, Wisconsin, Connecticut, Montana, South Dakota, North Dakota, Wyoming, West Virginia, Maine, Massachusetts, New Hampshire, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10482. Authority sought for control by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502, of M. & E. TRANSPORTATION CORP., Box 248, Dover, N.H., and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Building, Atlanta, Ga. 30303, of control M. & E. TRANSPORTATION CORP., through the acquisition by INTERSTATE MOTOR FREIGHT SYSTEM. Applicants' attorneys: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502, Edward K. Wheeler and Richard H. Strodel, both of Southern Building, 15th and H Streets NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Boston, Mass., and Springvale, Maine, between Boston, Mass., and Milton Mills, N.H., between Boston, Mass., and Portsmouth, N.H., between Rochester, N.H., and Farmington, N.H., serving all intermediate points; *general commodities*, with exceptions as specified above, over irregular routes, between Brockton and Taunton, Mass., and points in Essex, Middlesex, Suffolk, and Norfolk Counties, Mass., on the one hand, and, on the other, points in York County, Maine, and those in Strafford and Rockingham Counties, N.H. INTERSTATE MOTOR FREIGHT SYSTEM is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, New York, Missouri, Pennsylvania, Michigan, Minnesota, Wisconsin, Kentucky, West Virginia, Maryland, Massachusetts, New Jersey, Iowa, Delaware, Colorado, Nebraska, Wyoming, Kansas, Connecticut, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10483. Authority sought for purchase by ANDREW McDERMOTT, INC., 220 Murray Street, Newark, N.J. 07003, of a portion of the operating rights of WM. McCULLOUGH TRANSPORTATION CO., INC., 11000 U.S. Highway No. 1, Elizabeth, N.J. 07201, and for acquisition by H. W. TAYNTON CO., INC., and in turn by ROBERT E. TAYNTON, SR., ELIZABETH MARBLE, PAUL TAYNTON, FLORENCE TAYNTON, and COMMONWEALTH BANK & TRUST CO. (Trustees Under Voting Trust), all of 40 Main Street, Wellsboro, Pa., of control of such rights through the purchase. Applicants' attorneys: Robert De Kroyft, 24 Branford Place, Newark, N.J. 07102, Bowes & Millner, both of 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Newark, N.J., and points in New Jersey within 25 miles of Newark, between Newark, N.J., and points within 25 miles of Newark, on the one hand, and, on the other, Camden and Trenton, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, and Connecticut. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10484 (WM. McCULLOUGH TRANSPORTATION CO., INC.—Purchase (Portion)—ANDREW McDERMOTT, INC.), published this same issue.

No. MC-F-10484. Authority sought for purchase by WM. McCULLOUGH TRANSPORTATION CO., INC., 11000 U.S. Highway No. 1, Elizabeth, N.J. 07201, of a portion of the operating rights of ANDREW McDERMOTT, INC., 220 Murray Street, Newark, N.J. 07003, and for acquisition by J. J. McDONNELL, 180 Central Park South, New York, N.Y., of control of such rights through the purchase. Applicants' attorneys: Robert DeKroyft, 24 Branford Place, Newark, N.J. 07102, Bowes & Millner, both of 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, commodities which, because of their size or weight, require the use of special equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious

or contaminating to other lading, as a *common carrier*, over irregular routes, from points in Essex, Union, Hudson, Monmouth, and Passaic Counties, N.J., to Newark, N.J., and points in that part of New Jersey within 150 miles of Newark (from points in New Jersey within 150 miles of Newark, N.J., to points in Essex, Hudson, Monmouth, and Passaic Counties, N.J. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, Rhode Island, Pennsylvania, and Connecticut. Application has not been filed for temporary authority under section 210a(b). NOTE: See also No. MC-F-10483 (ANDREW McDERMOTT, INC.—Purchase (Portion)—WM. McCULLOUGH TRANSPORTATION CO., INC., published this same issue.

No. MC-F-10485. Authority sought for (1) control by EDGAR F. HURFF CO., 215 Fremont Street, San Francisco, Calif. 94119, of (A) FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, Wash. 98902, and (B) D & O—FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902, and for acquisition by DEL MONTE CORPORATION, 215 Fremont Street, San Francisco, Calif. 94119, of control of FAIRCHILD GENERAL FREIGHT, INC., and D & O—FAIRCHILD, INC., through the acquisition by EDGAR F. HURFF CO.; and (2) merger into FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, Wash. 98902, of the operating rights and property of D & O—FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicants' attorneys: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901, and George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Operating rights sought to be (1) controlled and (2) merged: (1)(A) *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points within 3 miles of Yakima, Wash., including Yakima; *livestock*, between points in that part of Washington on and east of a line extending north and south from Roslyn, Wash., on the one hand, and, on the other, points in Oregon and Idaho; *wool*, from points in Washington, on and east of a line extending north and south of Roslyn, Wash., to Portland, Oreg.; *glass bottles and jars, and covers, stoppers, and tops* for glass bottles and jars, as a *contract carrier*, over irregular routes, from Portland, Oreg., to points in Washington, with restrictions; and *fiberboard containers and packing forms*, from Portland, Oreg., to points in that part of Washington east of a line formed by the western boundaries of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, with restrictions; and (1)(B) and (2) *box shook*, as a *common carrier*, over irregular routes, from the plantsite of the Chelan Box & Manufacturing Co. near Manson, Wash., to points in California and to Medford, Oreg., and points within 30 miles thereof, to Hood River, Oreg., and points in Oregon within 20 miles of Hood River, and points in Idaho and Montana; and *fiberboard, paper, and pulpboard boxes and partitions*, from Longview and Yakima, Wash., to The Dalles and Hood River, Oreg. EDGAR F. HURFF CO., holds no authority from this Commission. However, its controlling stockholder is affiliated with (1) ENCINAL TERMINALS, 1521 Buena Vista Avenue, Alameda, Calif., which is authorized to operate as a *common carrier* in California; NEEDHAM'S MOTOR SERVICE, INC., Post Office Box 138, Hightstown, N.J., which is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, and New York; and SHIPPERS EXPRESS COMPANY, Post Office Box 5790, San Jose, Calif., which is authorized to operate as a common carrier under a certificate of registration, within the State of California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10486. Authority sought for control by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham, Ala. 35233, and for purchase by MATLACK, INC., of the operating rights of BAGGETT BULK TRANSPORT, INC., and for acquisition by INTERNATIONAL BULK DISTRIBUTION CORPORATION, also of Lansdowne, Pa., of control of such rights through the transaction. Applicants' attorneys and representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005, Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and John Nelson, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Operating rights sought to be controlled and transferred: *Lime and limestone*, in bulk and in packages, and *cement*, in packages, as a *common carrier*, over irregular routes, from Longview, Ala., to points in Georgia (except lime, in bulk, from Longview, Ala., to Atlanta, Ga.); *sulfate of alumina*, dry, in bulk, from North Chattanooga, Tenn., to Coosa Pines, Ala.; *lime*, in bags, when moving in the same vehicle with cement, from the plantsite of National Cement Co. at Ragland (St. Clair County), Ala., to points in Alabama, Georgia, Florida, North Carolina, Mississippi, South Carolina, and Tennessee; *cement*, from the plantsite of Universal-Atlas Cement Division, United States Steel Corp., at Leeds (Jefferson County), Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, Louisiana, and Tennessee, from the plantsite of National Cement Co., at Ragland (St. Clair County), Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, and Tennessee; from the plantsite of the Alpha Portland Cement Co., at Birmingham, Ala., to points in Georgia and Mississippi, certain specified points in Florida, South Carolina, North Carolina, and Tennessee, with restriction;

Cement and lime, from the plantsite of the Southern Cement Co., Division of Martin-Marietta Corp., at Roberta, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, Louisiana, and Tennessee, from the plantsite of Southern Cement Co., division of Martin-Marietta Corp. (Magnolia), Atlanta, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee; *cement and lime*, in bags, from the plantsite of the Southern Cement Co., Division of Martin-Marietta Corp., at North Birmingham, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, Louisiana, and Tennessee; *cement, lime, and limestone*, from Longview, Shelby County, Ala., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; *fly ash*, in bulk, from Wilsonville, Ala., to points in Mississippi and Tennessee; *fly ash*, in packages, from Wilsonville, Ala., to points in Mississippi, Tennessee, that part of Georgia on and west of U.S. Highway 129, and certain specified points in Florida; *dry cement*, between points in Alabama, between points in Georgia (except from the plantsite of the Atlantic Cement Co. at Savannah, Ga.), between points in North Carolina, between points in South Carolina, between points in Florida, between points in Louisiana, between points in Tennessee, with restriction; *cement*, in bulk, and in bags, from Decatur, Ala., to points in Alabama, Georgia, Kentucky, Mississippi, points in that part of North Carolina on and west of U.S. Highway 21, points in that part of South Carolina on and west of U.S. Highway 21, and points in Tennessee, from the site of the Missouri Portland Cement Co., in Louisville, Ky., to points in Kentucky, Indiana, Ohio, Tennessee, and points in that part of West Virginia, and west of Interstate Highway 77; *dry cement*, in bulk, from the plantsite of Universal Atlas Cement Division, United States Steel Corp., at Chamblee, Ga., to points in South Carolina, from the plantsite of Universal Atlas Cement Division, United States Steel Corp., at Huntsville, Ala., to points in Georgia, Mississippi, and Tennessee; and *lime and limestone*, from the plantsite of the U.S. Gypsum Co. at or near Montevallo, Ala., to points in Florida, Georgia, North Carolina, Mississippi, South Carolina, Tennessee, and that part of Louisiana on and east of the Mississippi River. MATLACK, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10487. Authority sought for purchase by WEATHERS BROS. TRANSFER CO., INC., 2728 Northeast Freeway NE., Atlanta, Ga. 30329, of the operating rights of MARTIN VAN LINES, INC. (JOSEPH O. EARP, Trustee in Bankruptcy), 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104, and for acquisition by R. L. WEATHERS, W. M. WEATHERS, GLORIA DOBBS, all also of Atlanta, Ga., SARAH ANN HOBSON, 3821 Miruelo Circle North,

Jacksonville, Fla., and L. W. WEATHERS, 1268 Druid Park Avenue, Augusta, Ga., of control of such rights through the purchase. Applicants' attorneys and representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, R. J. Reynolds III, 604 Healey Building, Atlanta, Ga. 30303, and Jerome Shulkin, 3102 Smith Tower, Seattle, Wash. 98104. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, from certain specified points in Montana, to points in Wyoming, Colorado, Idaho, Utah, Oregon, and Washington, from points in Wyoming, Colorado, Idaho, Utah, Oregon, and Washington, to all points in Montana, between certain specified points in Montana, on the one hand, and, on the other, points in Minnesota, South Dakota, North Dakota, Wyoming, Idaho, Washington, and Montana, between Forsyth, Mont., on the one hand, and, on the other, points in Montana more than 125 miles from Forsyth, and those in Minnesota, South Dakota, North Dakota, Wyoming, Idaho, and Washington, between points in California, Oregon, and Washington, between certain specified points in Oregon, on the one hand, and, on the other, points in Idaho and Nevada; and *general commodities*, excepting, among others, household goods and commodities in bulk, between points within 3 miles of Portland, Oreg., including Portland. Vendee is authorized to operate as a *common carrier* in Tennessee, Alabama, Delaware, Florida, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, Arkansas, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, Ohio, Rhode Island, Oklahoma, Connecticut, West Virginia, Georgia, Arizona, California, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10488. Authority sought for control by EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenue, Carlstadt, N.J. 07072, of NATIONAL TRANSPORTATION COMPANY, doing business as NATIONAL TRANSPORT 101, 251 State Street Extension, Bridgeport, Conn. 06603, and for acquisition by NANTAM SYSTEM, INC., and, in turn by DANIEL E. SHEVELL and MYRON P. SHEVELL, all also of Carlstadt, N.J., of control of NATIONAL TRANSPORTATION COMPANY, doing business as NATIONAL TRANSPORT 101, through the acquisition by EASTERN FREIGHT WAYS, INC. Applicants' attorneys: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005, and Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. 06103. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Perth Amboy, N.J., and Hartford, Conn., serving all intermediate points, and certain off-route points, between New Haven, Conn., and Hartford, Conn., serving certain intermediate and off-route points, between Bridgeport, Conn., and Torrington, Conn., between New Haven, Conn., and Willimantic, Conn., serving all intermediate points, and certain off-route points, between Bridgeport, Conn., and New Milford, Conn., serving certain intermediate and off-route points; between New Freedom, Pa., and junction U.S. Highways 1 and 9 near Woodbridge, N.J., serving all intermediate points in Pennsylvania, between junction Pennsylvania Highway 516 and unnumbered highway (formerly U.S. Highway 111), and junction U.S. Highways 1 and 9 near Woodbridge, N.J., serving the intermediate points of Camden, N.J., and Baltimore, Md., with restriction; between Waterbury, Conn., and Albany, N.Y., between Springfield, Mass., and Schenectady, N.Y., serving certain intermediate and off-route points, between Springfield, Mass., and West Suffield, Conn., serving the intermediate points of Agawam, Mass., and Suffield, Conn., and the off-route point of Feeding Hills, Mass.; between Hartford, Conn., and Greenfield, Mass., serving certain intermediate and off-route points, with restriction; between Boston, Mass., and Framingham, Mass., serving certain intermediate and off-route points, between New London, Conn., and Providence, R.I., serving certain intermediate and off-route points; between Baltimore, Md., and Alexandria, Va., serving all intermediate points, and certain off-route points, with restriction; over two alternate routes for operating convenience only;

General commodities, except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Greenfield, Mass., and Boston, Mass., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between certain specified points in Massachusetts, between certain specified points in Massachusetts, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 5 and west of the Cape Cod Canal; between New York, N.Y., Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, certain specified points in New Jersey, between Newark, N.J., on the one hand, and on the other, points in Middlesex County, N.J., between certain specified points in New Jersey, on the one hand, and, on the other, certain specified points in New York, and those in Fairfield County, Conn., and certain specified points in Pennsylvania, with restrictions; *castor oil*, in bulk, in tank trucks, from Bridgeport, Conn., and Boonton, N.J., New York, N.Y., Philadelphia, Pa., points in Delaware County, Pa., certain specified points in New Jersey, and those in Massachusetts and Rhode Island; and *general commodities*, except classes A and B explosives, between Voorheesville, N.Y., on the one hand, and, on the other, Albany and Rensselaer, N.Y. EASTERN FREIGHT WAYS, INC., is authorized to operate as a *common carrier* in Vermont, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Virginia, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 69-6331; Filed, May 27, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 23, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-5010, filed May 6, 1969. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. 72201. Applicant's representative: Charles J. Lincoln, Tower Building, Little Rock, Ark. 72201. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, over regular routes, between Hot Springs, Ark., and "Y" City, Ark.; U.S. Highway 270, Hot Springs, Ark., to "Y" City, Ark., and return over the same route, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Wednesday, July 2, 1969 at 10 a.m., Hearing Room, Arkansas Commerce Commission, Justice Building, Little Rock, Ark. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

State Docket No. H-5014, filed April 8, 1969. Applicant: CEDAR-RAPIDS-OTTUMWA EXPRESS, INC., 2800 Fleur Drive, Des Moines, Iowa. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa. Certificate of public convenience and necessity sought to operate a freight service

as follows: *General commodities*, between Cedar Rapids, Oskaloosa, and Ottumwa, Iowa, and serving the intermediate and off route points of Fairfax, Walford, Amana, Homestead, South Amana, Conroy, Williamsburg, Parnell, North English, South English, Webster, Sigourney, Hayesville, Martinsburg, Hedrick, Highland Center, U.S. Naval Reserve Aviation Base (near Ottumwa), Rutledge, Delta, and Rose Hill, and between Ottumwa and Oskaloosa via U.S. Highway 63, serving no intermediate or off route points and for operating convenience only. Both intrastate and interstate authority sought.

HEARING: Tuesday, July 8, 1969 at Office of Iowa State Commerce Commission, Des Moines, Iowa. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa Commerce Commission, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

State Docket No. C–13718 Case No. 1, filed December 19, 1968. Applicant: PAUL E. ARMS, doing business as SALINE CAB CO., 126 East Michigan Avenue, Saline, Mich. 48176. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. Certificate of registration sought to operate a freight service as follows: transporting *Property* (except exposed and processed film and prints, microfilm, commercial papers, documents, written instruments, office records, loading tickets and reports, and bills-of-lading), in same day deliveries: (1) From the plantsite of Hoover Ball and Bearing Co. (Manchester Division) within 1 mile of Manchester, Mich.; to Detroit, Mich., and its commercial zone as defined by the Interstate Commerce Commission, limited to one shipment of 1,000 pounds or less per vehicle and restricted against the transportation of freight having an immediately prior or subsequent movement by air, except as otherwise authorized; (2) from the plantsite of Hoover Ball and Bearing Co. on State Road approximately 2½ miles northeast of Saline, Mich., to Detroit, Mich., and its commercial zone as defined by the Interstate Commerce Commission, limited to one shipment of 1,000 pounds or less per vehicle and restricted against the transportation of freight having an immediately prior or subsequent movement by air.

(3) From the plant site of Hoover Ball and Bearing Co. (Universal Die Casting Division) at Saline, Mich., to Detroit, Mich., and its commercial zone as defined by the Interstate Commerce Commission, limited to one shipment of 500 pounds or less per vehicle and restricted against the transportation of freight having an immediately prior or subsequent movement by air. *Coolant*, from Miller Supply, Inc., Jackson, Mich., and *hydraulic oil*, in drums, from Detroit and Taylor Township to the plant of Hoover Ball and Bearing on State Road approximately 2½ miles northeast of Saline, Mich., limited to one shipment of 900 pounds or less per vehicle. NOTE: A BOR–100 application has been filed under section 206(a)(6) of the Interstate Commerce Act in No. MC–121621 (Sub-No. 1). Applicant seeks a certificate of registration corresponding in scope to the intrastate rights granted by certificate No. C–13718 Case No. 1, to the extent that the Michigan Public Service Commission found that public convenience and necessity require applicant's operations in interstate or foreign commerce. Processing of the application will be withheld for a period of 30 days from date of publication during which period any proper party in interest may file an appropriate pleading with this Commission.

State Docket No. 35813, filed May 7, 1969. Applicant: JOHN L. CLARK, R.F.D. No. 3, Montpelier, Ohio. Applicant's representative: William R. White, 100 East Broad Street, Columbus, Ohio. Certificate of public convenience and necessity sought to operate a property service as follows: *Property*, from and to Williams, Fulton, Defiance, and Henry Counties, Ohio, restricted to transportation of Piggy back trailers, loaded or empty, having an immediately prior or subsequent movement by rail. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, and should not be directed to the Interstate Commerce Commission.

State Docket No. M–38950 Sub No. 1, filed here May 8, 1969. Applicant: EDWARD B. WILLARD, doing business as TEN SLEEP SERVICE CO., Post Office Box 1016, Worland, Wyo. 82401. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Certificate of public convenience and necessity sought to operate a passenger service as follows: *Passengers and their baggage*, in charter and special service, between points and places in Washakie, Johnson, and Big Horn Counties, Wyo. Both intrastate and interstate authority sought.

HEARING: Tuesday, June 17, 1969, at 9:30 a.m., at the Washakie District Court Room, Courthouse, Worland, Wyo. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo. 82001, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 69–6332; Filed, May 27, 1969; 8:48 a.m.]

[Notice 352]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1969.

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

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

No. MC–FC–71137. By order of May 15, 1969, the Motor Carrier Board approved the transfer to David A. Perrotti, doing business as Exchange Transportations Co., 200 Exchange Street, Malden, Mass., 02148, of certificate of registration in No. MC–121165 (Sub-No. 1), issued December 18, 1967, to Joseph F. Perrotti, doing business as Exchange Transportation Co., 200 Exchange Street, Malden, Mass., 02148, corresponding to the grant of intrastate authority to transferor in Common Carrier Certificate No. 6108, dated December 3, 1968, issued by the Department of Public Utilities of the Commonwealth of Massachusetts.

No. MC–FC–71376. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Brooks Moving & Storage, Inc., Paterson, N.J., of the certificates Nos. MC–38049 and MC–38049 (Sub-No. 1), issued September 3, 1940 and January 4, 1951, respectively, to Joseph Brooks, Paterson, N.J., authorizing the transportation of household goods between specified areas of New Jersey, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, New Hampshire, Vermont, the District of Columbia, Maine, Virginia, and Ohio. John M. Zachara, Post Office Box "Z", Paterson, N.J. 07509, representative for applicants.

No. MC–FC–71377. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Paul H. Liskey, Kearneysville, W. Va.., of the certificate in No. MC–48576, issued November 29, 1941, to James A. Dailey, Charles Town, W. Va., authorizing the transportation of specified commodities from, to and between points in West Virginia, Virginia, Maryland, and Pennsylvania. Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157, representative for applicants.

No. MC–FC–71385. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Speed Freight Lines, Inc., Newark, N.J., of certificate No. MC–85233 (Sub-No. 4), issued by the Commission on January 17, 1968, to Metro Carrier Corp., acquired by transferor herein pursuant to No. MC–FC–69701, approved August 9, 1967, and consummated September 11, 1967, and assigned No. MC–129317, authorizing the transportation of: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring refrigeration, and

those requiring special equipment, between Newark, N.J., on the one hand, and, on the other, North Bergen, West New York, and Union City, N.J., restricted against the transportation of rayon piece goods from West New York, N.J., to Newark, N.J. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, applicant's representative.

No. MC-FC-71386. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Speed Freight Lines, Inc., Newark, N.J., of a portion of the operating rights in certificate No. MC-41688, issued March 27, 1943, to Robert E. Thompson and Charles C. Thompson, a partnership, doing business as Thompson Bros., North Hackensack, N.J., authorizing the transportation of: General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points and places in Bergen County, N.J. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, applicant's representative.

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

[F.R. Doc. 69-6333; Filed, May 27, 1969; 8:48 a.m.]

[S.O. 994; ICC Order No. 24-A]

SOUTHERN RAILWAY CO.

Rerouting Traffic

Upon further consideration of ICC Order No. 24 (Southern Railway Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 24 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10 a.m., May 22, 1969.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 22, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-6334; Filed, May 27, 1969; 8:48 a.m.]

[Ex Parte No. MC 19-Sub-No. 7]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Prohibition Against Carrier Participating in Local and Joint Rates at Certain Differing Levels

MAY 15, 1969.

Notice is hereby given that the Household Goods Carriers' Bureau, by its attorney, Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006, has filed a petition with the Interstate Commerce Commission praying that the Commission institute a rule-making proceeding under the modified procedure for the purpose of considering a proposed amendment to the Commission's rules and regulations covering motor common carriers of household goods. The proposed amendment reads as follows:

§ 1056.15 Prohibition against carrier participating in local and joint rates at differing levels for transportation between the same points in the same direction.

No motor common carriers of household goods shall have in effect for its account more than one level of rates, whether local or joint, for the same transportation service in interstate or foreign commerce between the same two points in the same direction.

The petitioner is supported in a statement filed by the Movers' and Warehousemen's Association of America, Inc., by its Executive Secretary, Carroll F. Genovese, 1101 Warner Building, Washington, D.C. 20004.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon both the petitioner and the supporting Association through the attorney or Executive Secretary, respectively. Thereafter, a decision will be made as to whether institution of a rule-making proceeding is warranted in this matter.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69-6328; Filed, May 27, 1969; 8:47 a.m.]

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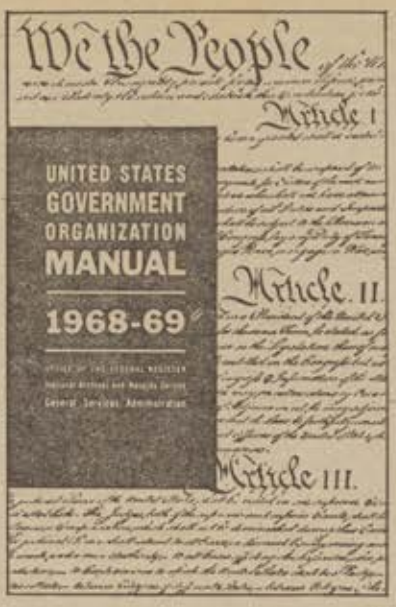

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