

FEDERAL REGISTER

VOLUME 34 • NUMBER 107

Thursday, June 5, 1969 • Washington, D.C.

Pages 8959-9019

PART I

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Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
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Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1969)

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Title 26—Internal Revenue Part 1 (§§ 1.301–1.400) (Revised) -----	1. 00

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

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



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Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 17—SALE OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

MISCELLANEOUS AMENDMENTS

The Regulations Governing the Financing of Commercial Sales of Agricultural Commodities pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954 (31 F.R. 16818, as amended 33 F.R. 5137, 10005, and 16381) are further amended, as follows:

1. The following terms are changed wherever they appear in the regulations, in Appendix A and Appendix B, and in all forms issued thereunder to read as follows: The term "Administrator" is changed to read "General Sales Manager"; the terms "Foreign Agricultural Service" and "FAS" are changed to read "Export Marketing Service" and "EMS," respectively; and the term "Office of the General Sales Manager" is changed to read "Export Marketing Service."

2. Section 17.2 is amended by changing paragraphs (a) (6) and (9) and (c) (1) and by adding a new paragraph (c) (21) to read as follows:

§ 17.2 Definition of terms.

(a) * * *
(6) "EMS" means the Export Marketing Service, U.S. Department of Agriculture.

(9) "General Sales Manager" and "GSM" mean the General Sales Manager, Export Marketing Service, or his designee.

(c) * * *
(1) "Affiliate" and "associated company" mean any legal entity which owns or controls, or is owned or controlled by, another legal entity. For a corporation, ownership of the voting stock shall be the controlling criterion. The term "owns or controls" shall have the meaning as provided in § 17.6(j) (2).

(21) "Legal entity" shall include, but not be limited to, an individual (except that an individual and his or her spouse and their minor children shall be considered as one legal entity), partnership, as-

sociation, company, corporation, and trust.

3. Section 17.6 is amended by adding a new paragraph (j) to read as follows:

§ 17.6 Contracts between suppliers and importers.

(j) *Prohibition against sales, trade, or commerce with North Vietnam.* (1) CCC shall not finance the sale and export of agricultural commodities under this section for any supplier of commodities:

(i) Which is engaging in, or in the 6 months immediately preceding the application for such financing has engaged in, any sales, trade, or commerce with North Vietnam, or with any resident thereof, or

(ii) Which owns or controls any other legal entity which is engaging in, or in such 6-month period has engaged in, any such sales, trade, or commerce, or

(iii) Which is owned by or controlled by any other legal entity which is engaging in, or in such 6-month period has engaged in, any such sales, trade, or commerce, either directly or through any branch, subsidiary, affiliate, or associated company.

(2) A legal entity shall be deemed to own or control a second legal entity if—

(i) The legal entity owns an interest of 50 percent or more in the second legal entity,

(ii) The legal entity and one or more other legal entities, in which it owns an interest of 50 percent or more, together own an interest of 50 percent or more in the second legal entity, or

(iii) The legal entity owns an interest of 50 percent or more in another legal entity which in turn owns an interest of 50 percent or more in the second legal entity.

(3) In addition to the other requirements of the regulations covering contract approval, sales submitted by suppliers will not be approved unless the supplier has submitted a statement, maintained on a current basis in which are listed by name, address, and chief executive officers all legal entities, foreign and domestic, which the supplier owns or controls, and similar information for all legal entities which own or control the supplier and for all legal entities which are owned or controlled by any legal entity which owns or controls the supplier. The statement shall be submitted to the Director, Program Operations Division, EMS, U.S. Department of Agriculture, Washington, D.C. 20250, except that for tobacco sales it shall be submitted to the Director, Producer Associations Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, and for upland and extra long staple cotton sales to the Director, New Orleans ASCS Commodity Office, at the address provided in § 17.16. A statement filed by a subsidiary will be considered

complete as to the legal entities which it owns or controls and any other legal entities owned or controlled by the parent (including the chief executive officers for all such companies) if it certified thereon that such information has been furnished to USDA in a separate statement filed by the parent. A statement shall be considered to be maintained on a current basis if all changes are reported promptly after they have occurred and if changes in chief executive officers are reported at intervals of not less than 3 months on a calendar quarter basis. The term "chief executive officers" shall include:

(i) The president, or if no president, the Chairman of the Board of Directors, and

(ii) The vice president, but in cases of multiple vice presidents only the principal vice president, and then only if one is so designated, and

(iii) Any other person who is designated as or who acts in the capacity of a chief executive officer.

Note: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 102, 68 Stat. 454, as amended; 7 U.S.C. 1702)

Effective date. This amendment shall become effective with respect to purchase authorizations issued on or after the date of publication of the amendment in the FEDERAL REGISTER.

Issued at Washington, D.C., this 29th day of May 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-6634; Filed, June 4, 1969; 8:49 a.m.]

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Postponement of Effective Dates

On March 27, 1969, a revision of the regulations (7 CFR Part 68) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), was published in the FEDERAL REGISTER (34 F.R. 5709) to become effective 30 days after publication, except that the provisions deleting references to the inspection of U.S. grain in Canada and testing of wheat for protein content and sedimentation value were to become effective 180 days after publication.

At the request of members of the rice industry, notice appeared in the FEDERAL REGISTER (34 F.R. 6963) of April 26, 1969, postponing the effective date of the revision until June 1, 1969, except that the provisions deleting references to the inspection of U.S. grain in Canada and the testing of wheat for protein content and sedimentation value would become effective 180 days after the date of publication of this notice in the FEDERAL REGISTER.

In order to give adequate consideration to comments and views submitted by the rice industry, further postponement of the effective dates is deemed appropriate. Notice of further rulemaking will be published in the FEDERAL REGISTER at an early date to give interested persons an opportunity to comment on certain changes to be proposed in the revision. Under authority contained in sections 203 and 205 of the Act (7 U.S.C. 1622 and 1624), the effective dates of the revision are hereby postponed until further notice.

This document shall become effective upon issuance.

Since the purpose of the document is to delay at the request of the affected industry the effective dates of certain amendments which would otherwise take effect on June 1, 1969, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and good cause is found for making this document effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of May 1969.

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

[F.R. Doc. 69-6625; Filed, June 4, 1969;
8:48 a.m.]

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

[Valencia Orange Reg. 279]

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

Limitation of Handling

§ 908.579 Valencia Orange Regulation 279.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said

amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 3, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 6, 1969, through June 12, 1969, are hereby fixed as follows:

- (i) District 1: 217,500 cartons;
- (ii) District 2: 420,000 cartons;
- (iii) District 3: 112,500 cartons.

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

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

Dated: June 4, 1969.

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

[F.R. Doc. 69-6730; Filed, June 4, 1969;
11:15 a.m.]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Avocado Administrative Committee reflects its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about June 9, 1969, the committee has considered, and recommended, the sizes, quality, and maturity standards, including shipping periods, for the various varieties of avocados, so as to prevent the handling of immature or other undesirable fruit and to provide consumers with good quality fruit and maximizing returns to growers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 9, 1969. A reasonable determination as to the supply of, and the demand for, such avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until May 13, 1969, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such avocados. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of avocados are expected to begin on or about the effective date hereof; this regulation establishes

§ 915.311 Avocado Regulation 11.

(a) Order:

(1) During the period June 9, 1969, through April 30, 1970, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade.

(2) After the effective time of this section, except as otherwise provided in subparagraphs (9) and (10) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, except that avocados of the Arue variety which weigh at least 17 ounces may be handled prior to the date so listed, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) of this paragraph.

grade and maturity requirements designed to prevent the shipment of avocados which are immature or otherwise of poor quality; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; it should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Arue	6-9-69	17 oz.	6-16-69	14 oz.	7-21-69	8-4-69
Fuchs	6-25-69	2 1/4 in.	7-7-69	14 oz.	7-28-69	8-4-69
K-5	6-30-69	2 1/4 in.	7-14-69	14 oz.	7-28-69	8-4-69
Dr. DuPuis No. 2	6-23-69	2 1/4 in.	7-7-69	14 oz.	7-21-69	8-4-69
Harloe	7-7-69	14 oz.	7-14-69	12 oz.	8-4-69	8-4-69
Fotlock	7-7-69	18 oz.	7-14-69	16 oz.	7-28-69	8-4-69
Stamonds	7-7-69	2 1/4 in.	7-14-69	14 oz.	7-28-69	8-4-69
Nadir	7-7-69	14 oz.	7-14-69	12 oz.	7-21-69	8-4-69
Katherine	7-7-69	16 oz.	7-21-69	14 oz.	8-4-69	8-4-69
Dawn	7-21-69	12 oz.	8-4-69	10 oz.	8-18-69	8-4-69
Peterson	7-28-69	14 oz.	8-11-69	10 oz.	8-25-69	8-4-69
Trapp	8-11-69	14 oz.	8-25-69	12 oz.	9-8-69	8-4-69
Waldin	8-18-69	15 oz.	9-1-69	14 oz.	9-15-69	8-4-69
Ruehle	8-4-69	18 oz.	8-18-69	14 oz.	9-1-69	8-4-69
Finelli	8-4-69	18 oz.	8-18-69	16 oz.	9-1-69	8-4-69
Neelert	8-18-69	2 1/4 in.	9-25-69	16 oz.	9-15-69	8-4-69
Tonnage	9-1-69	14 oz.	9-8-69	12 oz.	9-15-69	8-4-69
Booth 8	9-15-69	2 1/4 in.	9-29-69	13 oz.	10-13-69	8-4-69
Fairchild	9-1-69	25 oz.	9-15-69	2 1/4 in.	9-29-69	8-4-69
Nitrody	9-1-69	18 oz.	9-15-69	2 1/4 in.	9-29-69	8-4-69
Black Prince	9-15-69	23 oz.	9-29-69	2 1/4 in.	10-20-69	8-4-69
Carolina	9-15-69	23 oz.	9-29-69	22 oz.	10-6-69	8-4-69
Blair	9-29-69	14 oz.	10-20-69	22 oz.	10-6-69	8-4-69
Collinson	9-29-69	18 oz.	10-27-69	10 oz.	10-27-69	8-4-69
Chiles	9-29-69	12 oz.	10-13-69	10 oz.	10-27-69	8-4-69
		2 1/4 in.		2 1/4 in.		

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Booth	9-29-69	20 oz.	10-6-69	21 oz.	10-20-69	11-3-69
Booth 5	10-6-69	4 1/4 in.	10-27-69	3 1/4 in.	10-27-69	11-3-69
Hickson	10-6-69	16 oz.	10-20-69	12 oz.	10-27-69	11-3-69
Simpson	10-6-69	2 1/4 in.	10-27-69	2 1/4 in.	10-27-69	11-3-69
Van	10-6-69	2 1/4 in.	10-27-69	16 oz.	10-27-69	11-3-69
Sherman	10-6-69	16 oz.	10-20-69	14 oz.	10-27-69	11-3-69
Marcus	10-6-69	22 oz.	11-17-69	14 oz.	11-17-69	11-3-69
Booth 10	10-13-69	16 oz.	11-10-69	14 oz.	11-10-69	11-3-69
Booth 7	10-13-69	2 1/4 in.	10-27-69	14 oz.	11-10-69	11-3-69
Arue	10-13-69	2 1/4 in.	11-3-69	2 1/4 in.	11-3-69	11-3-69
Booth 11	10-13-69	16 oz.	11-3-69	16 oz.	11-3-69	11-3-69
Leena	10-13-69	14 oz.	10-27-69	14 oz.	10-27-69	11-3-69
Winderson	10-13-69	18 oz.	11-3-69	18 oz.	11-3-69	11-3-69
Nelson	10-13-69	2 1/4 in.	10-27-69	12 oz.	11-10-69	11-3-69
Hall	10-13-69	25 oz.	10-27-69	20 oz.	11-10-69	11-3-69
Lola	10-20-69	3 1/4 in.	11-3-69	3 1/4 in.	11-17-69	11-3-69
Choquette	10-20-69	1 1/4 in.	11-3-69	3 1/4 in.	11-24-69	11-3-69
Montee	10-20-69	24 oz.	11-3-69	20 oz.	11-31-69	11-3-69
Herrman	10-20-69	4 1/4 in.	11-3-69	3 1/4 in.	11-17-69	11-3-69
Murphy	10-20-69	25 oz.	11-3-69	25 oz.	11-17-69	11-3-69
Alax (B1-B)	10-27-69	18 oz.	11-3-69	14 oz.	11-17-69	11-3-69
Booth 1	10-27-69	2 1/4 in.	11-17-69	14 oz.	11-17-69	11-3-69
Booth 3	10-27-69	2 1/4 in.	11-17-69	16 oz.	11-17-69	11-3-69
Taylor	10-27-69	14 oz.	11-10-69	12 oz.	11-24-69	11-3-69
Dunedin	11-10-69	16 oz.	11-24-69	14 oz.	12-8-69	11-3-69
Byam	11-17-69	2 1/4 in.	12-8-69	2 1/4 in.	12-8-69	11-3-69
Leola	11-17-69	2 1/4 in.	12-8-69	2 1/4 in.	12-8-69	11-3-69
Nabal	11-17-69	14 oz.	12-8-69	14 oz.	12-8-69	11-3-69
Wagner	12-8-69	12 oz.	12-8-69	12 oz.	12-8-69	11-3-69
Schmidt	1-18-70	2 1/4 in.	12-22-69	10 oz.	1-5-70	11-3-69
Irwinson	2-18-70	2 1/4 in.				11-3-69

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weights at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(4) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler

shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) From October 27, 1969, through November 9, 1969, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least $3\frac{1}{16}$ inches in diameter, and from November 10, 1969, through November 17, 1969, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least $2\frac{13}{16}$ inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 7, 1969.

(ii) From July 7, 1969, through July 13, 1969, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 14, 1969, through August 3, 1969, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iv) From August 4, 1969, through August 31, 1969, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(v) From September 1, 1969, through September 21, 1969, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 22, 1969.

(ii) From September 22, 1969, through October 19, 1969, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 20, 1969, through December 21, 1969, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (6), (7), and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (§§ 51.3050-51.3069 of this title).

(c) The provisions of this section shall become effective June 9, 1969.

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

Dated: May 29, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 69-6578; Filed, June 4, 1969;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WA-13]

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

Alteration of Federal Airways

On April 30, 1969, F.R. Doc. 69-5107, was published in the FEDERAL REGISTER (34 F.R. 7069) and in part altered V-485 from Priest, Calif., 12 AGL via the INT of Priest 325° T (309° M) and San Jose, Calif., 139° T (122° M) radials; 12 AGL San Jose. This amendment will become effective June 26, 1969. The description of V-485 should have cited the Priest 322° T (306° M) radials in lieu of the 325° T (309° M) radials. Corrective action is taken herein.

Since this amendment is minor in nature and corrects an error, notice and public procedure hereon is unnecessary and the effective date originally adopted may be retained.

In consideration of the foregoing, F.R. Doc. 69-5107 (34 F.R. 7069) is amended, effective immediately, as hereinafter set forth.

Item 2 is amended to read as follows:

2. In V-485 "12 AGL INT of Priest 325° and San Jose, Calif., 137° radials;" is deleted and "12 AGL INT Priest 322° and San Jose, Calif., 139° 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. 69-6619; Filed, June 4, 1969;
8:48 a.m.]

[Airspace Docket No. 68-PG-2]

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

Alteration and Designation of VOR Federal Airways and Reporting Points

On February 8, 1969, F.R. Doc. 69-1590 was published in the FEDERAL REGISTER (34 F.R. 1891) and in part designated V-22 Hawaii from Maui, Hawaii, 12 AGL INT Maui 095° and Hilo, Hawaii, 322° radials; 12 AGL Hilo, effective April 3, 1969. The document should have cited the Hilo 321° radial in lieu of the 322° radial. Corrective action is taken herein.

Since this amendment is minor in nature and will impose no undue burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary to allow sufficient time to make the appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, F.R. Doc. 69-1590 (34 F.R. 1891) is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

Item 1.g., is amended as follows:

In V-22 "Hilo, Hawaii, 322° radials;" is deleted and "Hilo, Hawaii, 321° 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. 69-6620; Filed, June 4, 1969;
8:48 a.m.]

[Airspace Docket No. 69-SO-6]

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

Alteration of Federal Airway

On March 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5111) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 492 north alternate from La Belle, Fla., 1,200 feet AGL to Palm Beach, Fla.

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.

In § 71.123 (34 F.R. 4509), V-492 is amended by deleting "314" and substituting "298" 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. 69-6621; Filed, June 4, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-tert-Butylamino-4-Ethylamino-6-Methylthio-s-Triazine

A petition (PP 8F0714) was filed with the Food and Drug Administration by the Gelgy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of a tolerance of 0.25 part per million for residues of the herbicide 2-tert-butylamino-4-ethylamino-6-methylthio-s-triazine in or on the raw agricultural commodity wheat (grain, green fodder, and straw).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The proposed usage is not reasonably expected to result in residues of the herbicide in meat, milk, eggs, or poultry from the feeding of the treated grain, green fodder, or straw to livestock. The usage is classified in the category described in § 120.6(a)(3).

2. Data in the petition show that a tolerance of 0.1 part per million will be adequate for residues of the herbicide.

3. The tolerance established by this order is safe and will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority

delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.265 2-tert-Butylamino-4-ethylamino-6-methylthio-s-triazine; tolerance for residues.

A tolerance of 0.1 part per million is established for negligible residues of the herbicide 2-tert-butylamino-4-ethylamino-6-methylthio-s-triazine in or on the raw agricultural commodity wheat (grain, green fodder, and straw).

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6593; Filed, June 4, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-51]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hackensack River, N.J.

1. The New Jersey Department of Transportation by letter dated February 20, 1969, requested the Commander, 3d Coast Guard District to revise the operation regulations for the Route 46 highway drawbridge across the Hackensack River at Little Ferry, N.J., contained in 117.225(f)(1-b). A public notice dated March 10, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 3d Coast Guard District and was made available to all per-

sons known to have an interest in this subject.

2. After consideration of all comments submitted in response to this proposal the revision is accepted. Accordingly in § 117.225, paragraph (f)(1-b) is revised to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1-b) Hackensack River, New Jersey State Highway Department drawbridge at Little Ferry, N.J. At least 48 hours' advance notice required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective August 1, 1969.

Dated: May 23, 1969.

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

[F.R. Doc. 69-6616; Filed, June 4, 1969; 8:48 a.m.]

[CGFR 69-42]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Indian Creek, Fla.

1. The purpose of this document is to correct the requirements in 33 CFR 117.446d(a) incorrectly published in the FEDERAL REGISTER, Volume 32, No. 239, on Tuesday, December 12, 1967, Part II, concerning dates of the closed periods for the drawbridge across Indian Creek at 63d Street, Miami Beach, Fla.

2. Accordingly, 33 CFR 117.446d(a) is revised to read as follows:

§ 117.446d Indian Creek, Fla.: bridge at 63d Street, Miami Beach.

(a) The owners of or agencies controlling this drawbridge from December 1 to April 15 need not open the draw for the passage of vessels from 11 a.m. to 6 p.m. except that on the hour the draw shall be opened for any vessels waiting to pass. At all other times the draw shall be opened on signal.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

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

Dated: May 23, 1969.

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

[F.R. Doc. 69-6617; Filed, June 4, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[PCC 69-578]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Licensing of Corporation To Render Communication Service to Subsidiary

In the matter of amendment of Parts 81, 91, and 93 of the Commission's rules governing certain of the Safety and Special Radio Services to provide for the licensing of a corporation for the purpose of rendering communication service to its subsidiary.

1. The Commission has under consideration §§ 81.203(a)(2), 81.351(a)(4), 81.451(a)(3), 91.251(d), 91.301(b), 91.351(c), 91.401(b), 91.451(b), 91.501(e), 91.551(e), 91.601(c), 91.727(b), 91.751(b), 93.3(c), 93.251(a)(5), and 93.351(a)(2) of its rules which permit the licensing of a corporation for the purpose of furnishing radio communication service to its parent corporation or to another subsidiary of the same parent in certain Safety and Special Radio Services. These rules, however, do not specifically permit the licensing of a corporation for the purpose of furnishing service to its own subsidiary, although there seems to

be a need for this type of licensing arrangement as well. Such arrangement, we believe, would be consistent with the purpose and the objective of the existing rules and should be authorized.

2. In § 93.3(c) of the rules, we have eliminated reference to this licensing arrangement in order to make the provisions in Part 93 with respect thereto the same as those in the other pertinent parts governing the Safety and Special Radio Services.

3. The amendments adopted herein are minor in nature in that they are consistent with the purpose of the existing rules and would not change the basic eligibility criteria for the use of radio-frequencies in the particular radio services. Accordingly, we find that the prior notice and procedure requirements of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

4. Accordingly, it is ordered, Pursuant to section 4(i) and 303 of the Communications Act of 1934, as amended, that effective June 10, 1969, Parts 81, 91, and 93 are amended as set forth below. (Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 28, 1969.

Released: May 29, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

Parts 81, 91, and 93 of the Commission's rules are amended as follows:

¹ Commissioner Bartley absent.

§§ 81.203, 81.351, 81.451, 91.251, 91.301, 91.351, 91.401, 91.451, 91.501, 91.551, 91.601, 91.727, 91.751, 93.251, 93.351 [Amended]

1. Sections 81.203(a)(2), 81.351(a)(4), 81.451(a)(3), 91.251(d), 91.301(b), 91.351(c), 91.401(b), 91.451(b), 91.501(e), 91.551(e), 91.601(c), 91.727(b), 91.751(b), 93.251(a)(5), and 93.351(a)(2), are amended to read as follows:

A corporation proposing to furnish a nonprofit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary where the party to be served is regularly engaged in any of the eligibility activities set forth in this section.

2. In § 93.3, the introductory text of paragraph (c) is amended to read:

§ 93.3 Cooperative use of radio stations in the mobile radio service.

(c) A licensee authorized under the provisions of the various subparts of this part which make eligible in certain of these services a nonprofit corporation or association organized for the purpose of furnishing a private radio communication service to persons engaged in the respective activities may render that communication service only upon specific advance approval by the Commission with respect to every person to whom such radio communication service is to be rendered and upon satisfaction of the following additional conditions:

[P.R. Doc. 69-6550; Filed, June 4, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 919]

[Docket No. AO-102-A5]

PEACHES GROWN IN MESA COUNTY, COLO.

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), hereinafter referred to collectively as the "order", regulating the handling of peaches grown in the county of Mesa, Colo., to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act".

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 15th day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by the Administrative Committee established under the order. A notice that such public hearing would be held on April 10, 1969, in the Veterans Memorial Building, Palisade, Colo., was published in the FEDERAL REGISTER (34 F.R. 5301).

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

- (1) Changing the fiscal period;
- (2) Redefining the boundaries of the present five districts and renaming the districts;
- (3) Prescribing a 2-year term of office for certain committee producer members and their alternates;

(4) Changing the method of nominating cooperative members and their alternates;

(5) Authority for the establishment of an operating reserve fund; and

(6) Making such other changes as are necessary to make the order conform with any amendments thereto.

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

(1) The order should be amended, as hereinafter set forth, to change the beginning and ending dates of the 12-month period of the fiscal year from March 1 and the last day of February, respectively, to November 1 and October 31, respectively, to provide that such beginning and ending dates may be changed by the Secretary upon the recommendation of the committee, and to change the term "fiscal year" in § 919.10 to "fiscal period."

The initial change in the beginning date of the 12-month period would facilitate the committee's preparation for the annual meeting at which time the nominees for the new committee are selected. It is customary for the annual meeting to be held during the winter months when weather conditions are less suitable for orchard work. Such change also would further enable the committee to more adequately plan operations for the ensuing shipping season, and enable the committee to coordinate planning and other activities more effectively with operations under the Colorado State Peach Order which covers the same production area. Both programs are administered from the same office.

Moreover, should conditions in the industry change materially, it would be desirable to provide that the Secretary, upon recommendations of the committee, may change the fiscal period to permit the committee to more effectively cope with the changed conditions. The development and planting of new peach varieties which may retard the harvesting and marketing period so as to make it impossible to complete assessment work by October 31 is an example of the kind of development that would make such change desirable. It is, of course, not possible to foresee all the circumstances that may arise that would result in administrative problems which may be alleviated by changing the fiscal period. However, authority for such change would enable the committee and the Secretary to reconsider the fiscal period in the light of existing conditions and to effect such change as appears necessary without incurring the expenses of an amendment proceeding.

To effect the transition to the new fiscal period, it is necessary to establish an 8-month fiscal period beginning

March 1, 1969, and ending October 31, 1969, and the order should be amended to so provide.

(2) The order should be amended to redefine the districts into which the production area is divided and to authorize redistricting, (i.e., the reestablishment of districts or boundaries of such districts) by the Secretary upon the recommendation of the committee.

Under the order, the production area—the county of Mesa—is divided into five districts: Redlands, East Orchard Mesa, Vineland, Palisade, and Clifton. The boundaries of the various districts are fixed and described in § 919.11 of the order. Each of the districts was established on the basis of affording equal representation on the committee. Each of the established districts was comprised of an area reflecting approximately the same tonnage produced and number of growers, and each such district's representation on the committee was fixed as one producer member and alternate.

The devastating effects of the 1962-63 freeze was cited as evidence of the need for changing the boundaries of the districts to maintain the initially established equality of the representation among districts. All districts suffered losses, some worse than others, by the winter kill of trees. As an example, the Redlands District incurred severe losses and lost most of its trees. Thus it is obvious that due to the freeze, the various districts are no longer equal in relation to production.

Record evidence shows that the most equitable method for dividing the production area into districts is to identify volume with peach tree count. The production area should continue to be divided into five districts and each district should continue to have one producer member and an alternate member for each such member. The district names should be changed. The districts should be known as "District No. 1"; "District No. 2"; "District No. 3"; "District No. 4"; and "District No. 5", respectively. The old names should not be retained as they are no longer descriptive.

On the basis of a 1968 peach tree count and relating such peach tree count to volume, the production area should be divided into five districts as hereinafter set forth. Each of the five districts would have approximately the same number of peach trees.

The boundary lines as between districts makes use of the Colorado River and the Gunnison River and certain roads. The roads used as district boundary lines are well known throughout the production area. They are an integral part of the highway system; are shown on maps published by the Colorado Department of Labor and Employment which are widely used throughout the

area for laborers to find employment; and are also used throughout the area for fire control purposes. These roads, together with an extension thereof, when necessary, should provide a clear and definite boundary line between districts so that no grower would have difficulty in establishing in which district his orchard is located.

It is desirable to provide authority for the committee, with the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee. It is not known how long the proposed districts will provide equity because of the factor responsible for the present inequities. Record evidence indicates that probably tree count to reflect volume would be the most likely basis for redistricting. However, the committee should not be required to redistrict on that basis alone. Thus, the committee should have authority to consider all factors which it considers appropriate in making a decision concerning redistricting or reapportioning and the order should provide this authority.

(3) Present provisions of the order provide for a term of office for committee members of 1 year beginning March 1 of each year. The proposed amendment would change the term of office to one beginning January 1. Such new term would be for 1 year, except for the five producer members. Commencing with the term of office beginning January 1, 1970, the producer members would be appointed for 2 years, with the term of such members so staggered that every other year three members would be appointed and in alternate years two members.

The designation of a term of office beginning at an earlier date would enable the newly appointed committee to better analyze the problems of the previous season, to have more time to study and plan for the ensuing season, and to coordinate planning and other activities, such as marketing research or development projects, more effectively with the marketing order of the State of Colorado. The provision of staggered terms for producer members would improve continuity of planning and operations by assuring that either two or three of the producer members who had served during the previous year would remain for an additional year.

In order to effect a transition to the staggered term it will be necessary for two of the producer members to be appointed, for the term of office beginning January 1, 1970, to serve for only a 1-year term and three of such members to serve for a 2-year term. The method used to select the three producer members could be to designate the five producer members by numbers (e.g., 1 through 5), to be placed in a container, from which three numbers would be drawn, these numbers indicating the nominees for the initial 2-year term.

The order should provide that the Secretary, upon recommendation of the committee, may change the term of office. Should developments occur which materially affect the harvesting and

marketing period, such change would be desirable to place the committee in a position to deal effectively with the changing conditions.

With the change in the term of office beginning on January 1, 1970, it is necessary also to provide that the term beginning March 1, 1969, shall end on December 31, 1969, and the order should be so amended.

(4) Presently, there are two cooperative peach marketing associations in the production area and the order provides for nomination of the three handler members and the three alternate handler members of the committee by the members of such associations. Nomination meetings have been held in conjunction with the annual meetings of the cooperative associations. Traditionally, these meetings have been held in January, and the nominations made at that time conformed to the current order provisions which require that nominations be made prior to February 1. However, as heretofore proposed, the term of office would be changed to begin on January 1 each year so it will not be possible for the associations to follow the past procedure concerning nominations for committee membership.

It does not appear reasonable or necessary to require the cooperative associations to change the time of their annual meeting or to hold a special meeting only for the purpose of selecting their nominees for committee members when such names could be obtained by a motion or resolution of the Board of Directors. The cooperative associations should be permitted to make the nominations in any manner the members of the respective associations may designate and the order should so provide.

(5) The order currently provides that any assessment income in excess of a fiscal year's expenses shall be credited proportionately to the handlers who contributed to the excess. Thus, the committee is precluded from building up a reserve fund from which it may draw during periods when income is not adequate to cover authorized expenses.

The committee, in conjunction with its counterpart under the State marketing order, must make estimates during the winter months for various expenses to be budgeted. Marketing research projects and State promotional and advertising programs were used as examples where costs and plans must be considered long before these committees would know their expected income. The assessment rate under the program is fixed generally in July, just prior to harvesting and is based on estimated volume of shipments. Therefore, it may be necessary to commit or spend funds before the amount of the total income for the fiscal year can be determined with reasonable accuracy. The shipping period for this production area is very short, lasting about 2 months, and the bulk of the volume of peaches is shipped within a 2-week period. Estimated shipments and income for any year may be reduced by adverse weather conditions, diseases, low prices, lack of transportation or labor or some

other factor. This necessitates handlers paying an increased rate of assessment per bushel of peaches handled in order to cover any deficit resulting from such reduction. It would constitute an extra burden on handlers to increase the rate of assessment after any such disaster may have occurred. Thus, the committee's ability to adjust or alter expenses to fit an income which is based on such a short, hazardous marketing period is limited.

The hazards incident to the production and marketing of peaches, and the desirability of establishing a reserve fund for use during years when the crop is reduced, was emphasized at the hearing because of the serious freezes experienced during past seasons. It was asserted that it would be far less burdensome to handlers to contribute to the establishment of a reserve fund during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. It would be reasonable and equitable to handlers to contribute to an operating reserve comprised of all or a portion of any excess assessments during years when expenses are less than assessment income. Growers and handlers in the area are the same with very few exceptions from year to year. Therefore, the same persons who contribute to the establishment of the reserve fund would receive the benefits from its operation.

The reserve should be built up gradually over a period of years to the desirable amount. The attainment of a reasonable amount in the reserve should not be delayed too long, however, since a material reduction in the crop could occur at any time. In order that an excessive reserve not be accumulated, it was proposed that a limit of approximately two fiscal period's expenses be provided. It was shown that such an amount should be sufficient to cover any foreseeable need. In arriving at an amount which is equal to approximately two fiscal period's operational expenses, record evidence shows that it would not be appropriate to consider expenditures during the 1967-68, 1968-69, or the 1969-70 fiscal periods because such expenses were arbitrarily set at a low amount to make sure that there would not be any unused assessment income remaining at the end of the respective fiscal period. The evidence of record shows that expenses that are reasonably and likely to be incurred by the committee for its maintenance and functioning during any fiscal period will approximate \$3,000. Thus, a reserve of approximately \$6,000 would be authorized. It cannot be predicted with precision that committee expenses will remain at the \$3,000 level. Expenses may increase or they may decrease. The reserve should be adjusted accordingly and the order should permit such action.

The reserve should be available to cover any expenses authorized by the order and to cover any costs of liquidation in case of termination of the order.

Upon termination of the order any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and there have been several withdrawals and re-deposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it is desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances. It would be appropriate and in accordance with the evidence of record for the Secretary to look to the committee for its recommendation for disposal of such money.

It is concluded, therefore, that the order should be amended, as hereinafter set forth, to permit excess assessments to be placed in a reserve and to be used in the manner heretofore described.

(6) Since there are proposals which, if adopted, would change the fiscal year and the term of office, it is necessary for changes to be made in the order to give conformity with these amendments. In order that nominations be made and actions taken at the appropriate time, the parenthetical phrase "(on or before February 1 of each year)" should be deleted from §§ 919.21(a) and 919.22(a), and the words "beginning March 1, 1956" should be deleted from § 919.23, wherever they appear. In § 919.20 the third sentence should be revised to require members of the committee and their respective alternates to be nominated at least 30 days prior to the beginning of the term of office for which nominations are being made. This is because the reference to February 28 is no longer appropriate because of the new proposed term of office, and to provide a period of time for the Secretary to make the appointments. In § 919.25, the words "on or before February 15" would no longer be applicable because of the new proposed term of office and the words "15 days prior to the beginning of the term of office of the position to be filled" should be inserted therein so as to provide a period of time for the Secretary to select the members and alternate members.

Rulings on proposed findings and conclusions. The period ended May 2, 1969, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No briefs were filed.

General findings. (1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be

amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of peaches grown in the county of Mesa, in the State of Colorado, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of peaches grown in the county of Mesa in Colorado, which make necessary different terms and provisions applicable to different parts of the production area.

Recommended amendments of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Section 919.10 *Fiscal year* is revised to read as follows:

§ 919.10 *Fiscal period.*

"Fiscal period" is synonymous with "fiscal year" and means the 12-month period beginning on November 1 and ending on October 31 of the following year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee: *Provided*, That the fiscal year which began on March 1, 1969, shall end on October 31, 1969.

2. Section 919.11 *District* is revised to read as follows:

§ 919.11 *District.*

"District" means the applicable one of any of the following described subdivisions of the county of Mesa in the State of Colorado:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of 37.3 Road and an extension thereof to the Mesa County line.

(b) "District No. 2" shall include all that portion of Mesa County lying south of the Colorado River and east of 36½ Road and an extension thereof to the Mesa County line.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River bordered on the east by 36½ Road, and an extension thereof to the Mesa County line, and bordered on the west by 35 Road, and an extension thereof to the Mesa County line.

(d) "District No. 4" shall be all that portion of Mesa County lying south of the Colorado River bordered on the west by the Gunnison River and bordered on

the east by 35 Road, and an extension thereof to the Mesa County line.

(e) "District No. 5" shall be all that portion of Mesa County west of 37.3 Road and an extension thereof to the Mesa County line, north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

3. Section 919.20 *Establishment and membership* is amended by revising the third sentence thereof to read as follows:

§ 919.20 *Establishment and membership.*

* * * The members of the committee and their respective alternates shall be nominated, in accordance with the provisions of §§ 919.21 through 919.24, at least 30 days prior to the beginning of the term of office for which nominations are being made.

§§ 919.21, 919.22 [Amended]

4. The parenthetical phrase "(on or before February 1 of each year)" is deleted from §§ 919.21(a) and 919.22(a).

5. Section 919.23 *Nomination and selection of cooperative handler members* is amended by deleting from paragraph (a) the words "beginning March 1, 1956" wherever they appear, and revising paragraph (b) to read as follows:

§ 919.23 *Nomination and selection of cooperative handler members.*

(b) Nomination of cooperative members and their respective alternates shall be made by such cooperative associations in such manner as the members of the respective associations may designate.

§ 919.25 [Amended]

6. Section 919.25 *Failure to nominate* is amended by deleting therefrom "on or before February 15 of any year" and substituting therefor "not later than 15 days prior to the beginning of the term of office."

7. Section 919.27 *Term of office* is revised to read as follows:

§ 919.27 *Term of office.*

(a) The term of office of producer members and their alternates shall be for two (2) years: *Provided*, That, for the term beginning January 1, 1970, the term of office of two producer members and their alternates shall be for 1 year. (Determination of which of the initial producer members and their alternates shall serve for 1 year, or 2 years, shall be by lot.) The term of office of the independent member and cooperative handler members, and of their alternates, shall be one (1) year. The term of office of each member and alternate member shall be for the period beginning on January 1 of 1 year and ending on December 31 of the same year, or the following year in the case of producer members and their alternates, both dates inclusive, or such other period as the committee, with the approval of the Secretary, may prescribe: *Provided*, That the term of office which began

March 1, 1969, shall end December 31, 1969.

(b) Members and alternates shall serve during the term of office for which they have been selected and have qualified and until their successors are selected and have qualified.

8. Section 919.32 *Duties* is amended by adding a paragraph (1) to read as follows:

§ 919.32 *Duties.*

(1) With the approval of the Secretary, to redefine the districts into which the production area is divided and to re-apportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

9. Section 919.42 *Handler accounts* is revised to read as follows:

§ 919.42 *Accounting.*

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part, and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately, if practicable, to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

Dated: June 2, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-6633; Filed, June 4, 1969;
8:49 a.m.]

[7 CFR Part 1075]

[Docket No. AO-248-A11]

MILK IN BLACK HILLS MARKETING
AREA

Notice of Hearing on Proposed
Amendments to Tentative Market-
ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room, Pennington

County Courthouse, St. Joseph Street, Rapid City, S. Dak., beginning at 9:30 a.m. local time, on Tuesday, June 17, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Black Hills marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Black Hills Cooperative Milk Producers Association:

Proposal No. 1. Amend paragraphs (a) and (b) of § 1075.51, *Class prices*, to read as follows:

§ 1075.51 *Class prices.*

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus \$1.95.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price less 13 cents.

Proposal No. 2. Amend paragraphs (a) and (b) of § 1075.52, *Butterfat differentials to handlers*, to read as follows:

§ 1075.52 *Butterfat differentials to handlers.*

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

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

Proposal No. 3. Amend § 1075.81, *Butterfat differentials to producers*, to read as follows:

§ 1075.81 *Butterfat differentials to producers.*

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1075.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

Proposal No. 4—Base and excess milk. Delete the following provisions dealing with base and excess milk: §§ 1075.20, 1075.21, 1075.73, 1075.75, 1075.76, 1075.77, and make appropriate conforming changes in other sections.

Proposal No. 5. Amend paragraph (a) of § 1075.12, *Pool plant*, to read as follows:

§ 1075.12 *Pool plant.*

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers

and from other plants is disposed of during the month on routes, and not less than 20 percent of such receipts are so disposed of in the marketing area.

Proposed by Gillette Dairy:

Proposal No. 6. Amend § 1075.51(a) to read: "The basic formula price plus \$2."

Proposal No. 7. The Class II price in § 1075.51(b) should be the basic formula price.

Proposal No. 8. a. Compute the butterfat differential in § 1075.52(a) by multiplying the Chicago butter price times 0.12.

b. Compute the butterfat differential in § 1075.52(b) by multiplying the Chicago butter price times 0.11.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 9. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 6901 Dodge Street, Room 106, Omaha, Neb. 68132, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 29, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-6626; Filed, June 4, 1969;
8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 60]

IMMIGRANT LABOR CERTIFICATIONS

Validity

Pursuant to section 212(a)(14) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182), and Secretary's Order No. 14-69 (34 F.R. 6502), I hereby propose to revise 29 CFR 60.5 to read as set forth herein.

Any person interested in this proposal may file a written statement of data, views, or argument regarding it with the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 15 days after this notice is published in the FEDERAL REGISTER.

As revised, 29 CFR 60.5 would read as follows:

§ 60.5 *Validity.*

(a) Certifications issued pursuant to this part shall be valid for 1 year after date of issuance, unless invalidated prior to the expiration date because the representations on which they are based are incorrect.

(b) When an employer or an alien has been advised by the Immigration and Naturalization Service or by a consular

officer that a revalidation of a labor certification will be required, and the employer or alien wishes to renew the certification, he should resubmit the original Forms ES-575, on which he obtained certification, for Department of Labor review, as instructed by the Immigration and Naturalization Service or consular officer. A current test of availability and adverse effect will be applied to each such resubmitted case.

(c) A certification issued pursuant to this part is invalid if representations of the alien applicant on which it is based are incorrect.

(d) A certification issued pursuant to this part is invalid (1) if representations of an employer on which it is based are incorrect if such incorrect representations manifest themselves before the alien applicant is admitted to the United States pursuant to the certification, or (2) if the representations of an employer on which it is based are incorrect and the alien participated in or knew of the incorrect representations before admission to the United States.

(70 Stat. 911; 8 U.S.C. 1182; 34 F.R. 6502)

Signed at Washington, D.C., this 27th day of May 1969.

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

[F.R. Doc. 69-6599; Filed, June 4, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Sulfamethazine; Withdrawal Time

Based upon a petition filed by Norden Laboratories, Inc., Lincoln, Nebr. 68501, and other relevant material, § 121.293 was promulgated in the FEDERAL REGISTER of January 25, 1967 (32 F.R. 866), providing for the safe use of sulfamethazine as a sustained release bolus for non-lactating cattle for treatment of specified conditions. Safe conditions of use, among other things, required that treated animals not be slaughtered for food within 15 days of treatment. Section 121.1124 provides for a tolerance of 0.1 part per million for negligible residues of sulfamethazine in uncooked edible tissues of cattle and swine.

Data now available to the Commissioner (and not available at the time the regulation was promulgated) establish (1) that residues of sulfamethazine exceeding 0.1 part per million may be present in the edible tissues of treated cattle at 15 days following the latest treatment but (2) that at 21 days following the latest treatment no such residues exceeding the tolerance are detected.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority dele-

gated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that § 121.293 *Sulfamethazine* be amended in item 1 of the table under "Limitations" by changing the number "15" in the statement "do not slaughter for food within 15 days of treatment" to "21".

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6594; Filed, June 4, 1969; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 556]

[No. 22,888]

FEDERAL SAVINGS AND LOAN SYSTEM

Applications for Branch Offices

MAY 29, 1969

Resolved that the Federal Home Loan Bank Board considers it advisable to amend §§ 545.14 and 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14, 556.5) for the purpose of permitting the consideration and processing of applications for the establishment of branch offices, without regard to the eligibility requirements contained in § 545.14(b) (2) and (4), with respect to particular applications for branches to serve low income, inner-city areas which are inadequately served by existing savings and loan facilities. Accordingly, it is hereby proposed to amend said §§ 545.14 and 556.5 as follows:

1. Amend paragraph (b) of § 545.14 by changing the period at the end of subparagraph (6) thereof to a semicolon and by adding immediately thereafter a new proviso, to read as follows:

§ 545.14 Branch office.

(b) Eligibility. * * *

Provided, however, That the Board may, with respect to a particular application, determine to consider and process that application without regard to the eligibility requirements contained in subparagraphs (2) and (4) of this paragraph.

2. Amend § 556.5 by adding a new paragraph (d) at the end thereof, to read as follows:

§ 556.5 Establishment of branch offices and mobile facilities.

(d) (1) As a general policy under § 545.14(b) of this chapter, the Board

will not consider or process any application by a Federal association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraphs (1) through (6) of § 545.14 (b) of this chapter. However, under the proviso to paragraph (b) of § 545.14 of this chapter, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirements contained in subparagraphs (2) and (4) of § 545.14(b) of this chapter. It is the intention of the Board to permit this special treatment only in connection with applications for branches to serve low income, inner-city areas which are inadequately served by existing savings and loan facilities.

(2) Applicant associations wishing such special treatment with respect to a particular application must furnish the Supervisory Agent with detailed information demonstrating that the application (or a prior branch application, if it is still pending or if less than 12 months have expired from the date of publication of notice thereof and the branch is not yet opened) is for a branch office (i) to be located within an area characterized by substandard family incomes, chronically high unemployment, a high percentage of welfare recipients, and substandard housing, and (ii) is to fulfill the objectives of facilitating the granting of loans in such area, particularly for construction or rehabilitation of housing, stimulating thrift and providing financial guidance among low-income residents of such area, and providing opportunities for employment or job training for residents of such area. If the Supervisory Agent is satisfied that the above criteria for special treatment of the application have been met, he may determine that the association is eligible under § 545.14(g) of this chapter, and the application may be processed as provided therein.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by June 25, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,
Secretary.

[F.R. Doc. 69-6639; Filed, June 4, 1969; 8:50 a.m.]

Notices

ATOMIC ENERGY COMMISSION STATE OF NORTH DAKOTA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of North Dakota for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of North Dakota and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the resume is included in the complete text of the program. A copy of the program, including proposed North Dakota regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the afore-mentioned exemptions.

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

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ----- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the

Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or l. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the act if the Commission finds that such termination or suspension

tion is required to protect the public health and safety.

Arr. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to article VII.

Date of _____, in triplicate, this _____ day of _____

For the United States Atomic Energy Commission.

For the State of North Dakota.

FOREWORD

This narrative presents a description of the history, practices, capabilities and proposed activities of the State of North Dakota in controlling ionizing radiation.

Section 274 of the 1954 Atomic Energy Act, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the governor of a state to transfer to the state licensing and regulatory authority over byproduct, source, and certain quantities of special nuclear materials. To this end, the following narrative has been prepared:

1.0 PROGRESS CHRONOLOGY

1957 The Legislative Assembly of the State of North Dakota enacted a law providing for the registration of all sources of ionizing radiation. This law is contained within sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code.

1957 through 1959 Radiation protection activities were limited in scope due to a lack of funds specifically set aside for this program. Some of the major accomplishments of this period consisted of the registration of sources of ionizing radiation used within the State of North Dakota; review of plans and specifications for radiation protection in hospitals proposed for construction or remodeling; and removing shoddy fitting fluoroscopes from public accessibility.

1960 A physical survey of all registered dental X-ray units in the State was conducted by the Division of Dental Health of the State Department of Health.

1961 The State Department of Health began operating a radiation surveillance air-sampling station on an around-the-clock basis.

1962 With the support of categorical funds from the U.S. Public Health Service, the North Dakota State Department of Health assigned the responsibility of a program of Radiological Health to the Division of Institutional Sanitation of the Environmental Health and Engineering Services Section of the Department.

1963 A statewide pasteurized milk sampling network was initiated to assess the radionuclide concentration of North Dakota milk.

1964 The Radiological Health Program initiated the routine physical inspection of all nondental X-ray units across the State. Prior to becoming a routine function, a few X-ray facilities had been surveyed at the request of the X-ray owner. The initial 1957 registration of sources of ionizing radiation was updated in early 1964 so that a systematic X-ray inspection system was readily adopted.

1965 The North Dakota State Department of Health was awarded a research contract by the U.S. Public Health Service (contract No. PH 85-66-6) to determine the effectiveness of farming modifications in the reduction of radionuclides in milk. The Legislative Assembly of the State of North Dakota enacted a law (sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code) which provides for a licensing and regulatory radiation

program. This law designated the North Dakota State Department of Health as the State radiation control agency responsible for the administration of the licensing and regulatory radiation program and it also authorized the Governor of the State of North Dakota to enter into an agreement with the U.S. Atomic Energy Commission.

1966 The name of the Division of Institutional Sanitation was changed to the Division of Environmental Engineering.

1968 On March 1, 1968, the Radiological Health Regulations of the North Dakota State Department of Health (regulation 83) became effective.

2.0 CURRENT ACTIVITIES

2.1 *Registration of sources of radiation.* The registration of sources of ionizing radiation has been conducted since 1957 in accordance with sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code. From 1957 to the adoption of regulation 83 of the State Department of Health, the registration process provided a location-inventory of X-ray units, radium users, and Atomic Energy Commission licensed radioactive materials.

With the adoption of regulation 83 of the North Dakota State Department of Health, the registration process was administratively changed to the extent that radioactive materials and certain minor radiation emitting devices were exempt from registration. The registration now consists of the location-inventory of sources of electrically produced radiation such as X-ray machines. Radioactive materials are under the licensing provisions of regulation 83.

The following table enumerates the X-ray units registered with the State Department of Health:

REGISTRATION SUMMARY¹

X-ray	X-ray machines	X-ray tubes
Human uses:		
Physicians (M.D.).....	126	160
Dentists.....	205	205
Other practitioners.....	50	51
Hospitals.....	192	254
Veterinary.....	5	5
Others.....	7	7
Total.....	585	688

¹ Exclusive of Federal agencies.

2.2 *Radiation protection in X-ray facilities.* Each week approximately eight thousand people in the State of North Dakota are exposed to diagnostic X-ray. Comprehensive evaluations of X-ray facilities have been performed by the program staff. The comprehensive evaluation includes radiation measurements to determine the radiation exposure of the operator, patient, and people outside of the X-ray area; the acceptability of X-ray equipment, based upon current standards; evaluation of other portions of the X-ray facility necessary to its operation; and a discussion with the operating and administrative staff on problems which need attention and those which could measurably reduce unnecessary radiation exposure. In addition to the discussions with the operating and administrative staff in each facility, a formal report, outlining the results of the evaluation and recommendations of the Department of Health is sent to the administration of the facility.

All of the facilities employing diagnostic X-ray in the State of North Dakota have received an initial evaluation. Forty-eight percent of the diagnostic X-ray machines in the State of North Dakota were found to be deficient upon initial evaluation. The majority of the deficiencies were with respect to inadequate collimation and/or inadequate

filtration of the useful X-ray beam. Both of these deficiencies result in unnecessary radiation exposure of the general population of the State. Where the filtration was found to be inadequate, aluminum filters were furnished and installed as a result of the evaluation.

Currently, followup evaluations are being conducted to determine the degree of compliance with the comments and recommendations of the initial evaluation. The followup evaluations, performed thus far, indicate that appropriate steps have been taken by the facilities to correct their deficiencies and, hence, reduce unnecessary radiation exposure. It is estimated that 80 to 90 percent of the diagnostic X-ray facilities in North Dakota are now in compliance with regulation 83 and the recommendations of the National Committee on Radiation Protection and Measurements as published in the "National Bureau of Standards Handbook No. 76."

An important aspect of the evaluation of X-ray facilities is that of radiation protection education. This aspect deals with the people operating the X-ray machines. A vast majority of the facilities in North Dakota do not have registered technologists to perform their X-ray services. The people operating the X-ray units, while they may be knowledgeable as to the proper radiographic technique necessary to obtaining a good radiograph, do not have a full appreciation of radiation protection. In the survey work across the State, there have been numerous instances where the operator, because of the lack of knowledge, has not made full use of the radiation protection devices and equipment available within the facility. Informing the operator of the practical methods that can be applied to reduce the radiation exposure to their patients as well as to themselves and the consequences of not applying these methods adds to the evaluation time; however, it is felt that it is time well spent. Lectures to professional groups on X-ray and radiation protection in X-ray facilities have been performed. More program emphasis will be placed on the educational aspects of radiation protection in X-ray facilities in the future, with the offering of short courses to X-ray operators across the State.

2.3 *Environmental radiation surveillance.* Since September of 1961, the Department has actively and continuously participated in the U.S. Public Health Service Radiation Surveillance Network with the operation of an air and precipitation sampling station at Bismarck, N. Dak. In addition to the direct operation of this Bismarck station, the Department has also acted in a liaison capacity between the U.S. Public Health Service Pasteurized Milk Radiation Surveillance Network and a milk sampling station operated by the First District Health Unit in Minot, N. Dak.

In January of 1964, a six-station milk sampling network was established in the State of North Dakota due to rising radionuclide levels in milk and, in particular, the levels of Strontium-90. The six stations, chosen on the basis of geographical and population significance, submitted weekly samples to the State Department of Health for radiochemical analysis. In May and June of 1964, Strontium-90 concentrations of 77 and 76 picocuries per liter, respectively, were observed. Since 1964 there has been a steady decline in Strontium-90 with average monthly concentrations in 1964, 1965, and 1966 of 56.7, 25.4 and 12.9 picocuries per liter of milk, respectively. In January of 1968, the six stations were placed on a biweekly sampling schedule with a minimum of three stations sampling every week.

In addition to the radiochemical analysis of milk, the program has the capability for radiochemical analysis of air, precipitation, water and, in general, all portions of the environmental food chain.

As a result of the levels of Strontium-90 encountered in North Dakota milk in 1964, the U.S. Public Health Service awarded a research contract to the North Dakota State Department of Health (contract No. PH 86-66-8) for a study to determine the effectiveness of farming modifications in the reduction of the radionuclides in milk.

In the summer of 1967, the Department of Health conducted a study to determine the radon concentrations within the uranium mines of southwestern North Dakota. The uranium operations in North Dakota consist of the open-pit mining of uraniumiferous lignite coal and reducing the moisture content and bulk volume of the ore by either ashing the material at the mine site or in rotary kilns. The ash is then transported outside of this State for further processing. The mine's radon concentration was determined by the collection of radon daughter products on a membrane filter and alpha counting. Since the mines are fully open to the atmosphere, there is little opportunity for accumulation of radon and its daughter products. The results of the Department's radon study indicated that the radon concentrations were well within nonoccupational maximum permissible concentrations.

Evaluations of the radioactive materials found in the various aspects of the environment are performed according to the appropriate accepted standards, limitations, and guidelines as set forth in the North Dakota Radiological Health Regulations; the U.S. Public Health Service Drinking Water Standards; the Radiation Protection Guides and the Protective Action Guides of the Federal Radiation Council; and the appropriate recommendations of the National Council on Radiation Protection and Measurements.

2.4 Radioactive materials. Since 1961, present Radiological Health Program staff have accompanied Atomic Energy Commission compliance personnel on approximately 100 percent of the inspections performed in the State of North Dakota. The compliance inspections included evaluation of diagnostic and therapeutic medical applications, industrial radiography applications, educational and research applications, of byproduct materials; the uranium operations of southwestern North Dakota; and the small quantities of special nuclear materials employed at the universities in the State. Exclusive of Federal agencies, on January 1, 1969, 34 Atomic Energy Commission licenses were in effect in North Dakota. In addition to the Atomic Energy Commission licenses, there are 12 facilities possessing radium. Regulation 83, as adopted by the North Dakota State Department of Health, provides for the licensing of all radioactive materials including naturally occurring or accelerator produced as well as byproduct, source, and certain quantities of special nuclear material. The provisions of regulation 83 which refer to radioactive materials licensed by the U.S. Atomic Energy Commission become effective upon an agreement with the AEC for transfer of this authority to the State of North Dakota.

Radium-226, the most commonly used nuclide of radium in North Dakota, has not been under any regulatory control. The lack of control is apparent. Preliminary surveys of radium users in North Dakota have indicated that there are problems. Many of the facilities evaluated do not maintain accurate facility inventories; do not provide adequate shielded storage; the storage containers are not properly marked indicating the presence of a radioactive material; leak tests of sealed sources are not performed at regular intervals, if at all; and there is a lack of adequate facility instrumentation for making radiation measurements in and around the areas

where radium is used. Furthermore, there has been a lack of communication on the part of radium users with the Department in the event of source loss or incident. The control of radium and other radionuclides which have not been regulated in the past will provide an effective means of permitting

the beneficial applications of these radioactive materials without the disadvantages of unnecessary radiation exposure to the users or to the general public.

The following table numerically describes the utilization of radioactive materials in the State of North Dakota:

Category of usage	Atomic Energy Commission licenses			Facilities possessing radium	All radioactive materials
	Byproduct	Source	Special nuclear material		
Medical.....	16	0	0	7	23
Educational.....	5	1	2	2	10
Civil defense.....	3	0	0	0	3
Industrial.....	3	0	0	1	4
State agencies.....	2	0	0	2	4
Uraniferous lignite ashing.....	0	2	0	0	2
Total.....	29	3	2	12	46

3.0 PROCEDURES AND POLICIES FOR THE CONTROL OF RADIATION

3.1 Licensing and registration. The State program provides for the control of radioactive materials, those occurring naturally or artificially produced, and electrically produced radiation. Electrically produced radiation, such as that from X-ray units, is under the category of registration. Licensing procedures are provided for radioactive materials.

Licenses for radioactive materials shall be of two types, general and specific. A general license is effective by regulation 83 of the Department and without the filing of an application or the issuance of licensing documents to particular persons. A specific license, incorporating appropriate conditions, shall be issued to named persons, upon application and in accordance with the appropriate provisions of regulation 83. Requirements for the possession of byproduct, source and special nuclear materials will be compatible with those of the U.S. Atomic Energy Commission.

The licensing program will be essentially the same as that presently employed by the U.S. Atomic Energy Commission. Prelicensing inspections will be performed when determined to be necessary. With respect to license applications for the non-routine medical use of radioactive materials, the review of the Medical Advisory Committee of the U.S. Atomic Energy Commission will be sought.

The Director of the Division of Environmental Engineering will evaluate all license applications. Other division staff members will assist in this function as they acquire competence through training and experience.

3.2 Inspection. Staff personnel will conduct inspections of licensees and registrants to determine compliance with Regulation 83 of the Department and to evaluate the adequacy of the radiation protection program of the licensee or registrant. The inspection includes review of the radiation safety practices, equipment, radiation surveys and personnel exposures pertinent to the facilities. Inspections of facilities utilizing radioactive materials will be compatible with those currently performed by the Division of Compliance of the U.S. Atomic Energy Commission.

The inspections will be performed by staff qualified in radiological health. The inspection staff will be kept current on developments in the field of radiological health by continued training and appropriate courses conducted by the U.S. Atomic Energy Commission and the U.S. Public Health Service (Bureau of Radiological Health).

The following frequency for the inspection of licensees in the State of North Dakota is planned, but may be either increased or decreased depending upon individual circumstances and the experience of the Department:

1. Industrial radiographers—once each 6 months.
2. Operations involving waste disposal—once each 6 months.
3. Broad licenses—Industrial, medical, academic—once each 12 months.
4. Other specific licenses—Industrial, medical, academic—once each 24 months.
5. Others—based on hazards associated with the program.

Most inspections will be scheduled visits, but a significant number may be on an unannounced basis.

At the completion of each inspection, the inspector will confer with the licensee and management to discuss the results of his inspection, presenting oral recommendations or suggestions, if indicated. This also provides an opportunity for answering any questions which a licensee or management may have regarding the regulatory program.

The inspector will submit, in writing, a comprehensive report to the Director of the Division of Environmental Engineering relating the findings of his inspection. The report will enumerate items of noncompliance, if any, and present recommendations. Recommendations made by inspectors in the field are subject to critical review of the Director of the Division of Environmental Engineering.

Licensees and management will be informed of the results of all inspections, orally at the time of the inspection and by letter or notice from the Department.

3.3 Compliance. If it is determined by the inspection that only minor items of non-compliance are involved such as failure to label, improper signs, etc. and the licensee agrees, in writing, to correct these items at the time of inspection, no further action will be taken by the Department, except that these items will be reviewed during the next inspection.

If items of noncompliance of a more serious nature are found, the licensee will be required to correct such items within a specified period of time. The licensee will be required to inform the Department in writing within 30 days or less, depending upon the degree of hazard involved, of the corrective action taken and the date the corrective action was completed. The Department will conduct a follow-up inspection or the matter will be reviewed during the next regular inspection to assure that the corrective action has been accomplished.

Whenever, in the judgment of the Department, any person has engaged in or is about to engage in any acts or practices in violation of sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code or regulations issued under this law, the Department, in accordance with the laws of the State governing injunctions and other process may maintain an action in the name of this State enjoining such acts or practices or to direct compliance.

Should the Department determine that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such immediate action be taken as is necessary to meet this emergency.

Opportunity for a hearing is afforded any person to whom an emergency order has been directed, upon the filing of an application with the Department. The person will be afforded a hearing before the State Health Council within 10 days. On the basis of such hearing, the emergency order shall be continued, modified, or revoked within 30 days after such hearing.

The modification, revocation, or termination of a radioactive materials license is provided for in section 3.614 of regulation 83. An opportunity for a hearing is afforded any licensee with respect to amendment or suspension of his license. Petition filing and hearing procedures are provided for in chapter 23-32 of the North Dakota Century Code.

Only in instances of willful negligence on the part of the licensee, continued noncompliance after notice or when a serious potential hazard exists, will full legal measures be employed. Section 23-20.1-10 of chapter 23-20.1 of the North Dakota Century Code provides for penalties for persons who violate any portions of the law or rules, regulations or orders in effect pursuant thereto of the Department.

3.4 Administrative procedures and judicial review. The issuance or modification of rules and regulations including emergency orders relating to the control of sources of ionizing radiation; granting, suspending, revoking or amending any license; or determining compliance with rules and regulations of the Department will be conducted in accordance with provisions of chapter 28-32 of the title "Administrative Agencies Practice Act" of the North Dakota Century Code. Among other things, this law states:

1. That there must be a legality review by the Attorney General's office of any rule or regulation before it is adopted by a State agency.

2. That rules and regulations, to have force and effect of law until amended or repealed by the agency or declared invalid by courts, must be filed in the Attorney General's office. Also a copy of each rule and regulation accompanied by the Attorney General's Opinion must be filed with the Clerk of District Court of each county and the Secretary of the State Bar Association.

3. That upon receipt of a petition from any person substantially interested in the effect of a rule or regulation, the agency may grant the petitioner a public hearing upon such terms and conditions as the agency may prescribe.

4. The rules of procedure for hearings.

5. That determinations of the agency may be appealed to the district courts.

6. The scope of and procedure on appeal from determination of the administrative agency.

7. That a review of and final judgment of district courts may be appealed to and reviewed by the State Supreme Court.

3.5 Radiological emergencies. The Department currently has the appropriate equipment, instrumentation and knowledgeable staff to evaluate radiological incidents involving a release or loss of radioactive materials. A formal radiological emergency guide has been developed to cope with radiological incidents which occur within the State of North Dakota. This guide sets forth the basic elements of immediate action, the responsibilities of State and local agencies, and establishes the lines of communication in order that the control of radioactive mate-

rials, lost through some accident or incident, can be restored as quickly as possible and with minimum danger to human health or damage to property.

The radiological emergency guide provides general guidance to individuals who may not be specifically trained in the handling of peacetime radiological emergencies. It also provides a more detailed approach to the handling of radiological incidents occurring within licensed facilities, even though the licensed facility should have emergency procedures specific to its own operations. Direct assistance and/or consultation, as may be needed to provide immediate relief of a radiological incident, is available to the licensee from the North Dakota State Department of Health.

Notification of the State Department of Health of a radiological incident by a licensee and/or registrant is provided for in section 4.630 of regulation 83. Notification of the State Department of Health of radiological incidents occurring beyond a licensee's premises is provided for in the Radiological Emergency Guide.

3.6 Instrumentation. The Department has a variety of portable radiation survey instruments which can detect and measure radiation exposures over a wide range of exposure levels. The portable instrumentation is available for support of inspections and for evaluation of radiological emergencies.

Laboratory instrumentation includes equipment which provides identification and precise measurement of the quantity of radioactive materials. Raw data output from the multichannel analyzer and low background alpha-beta counting systems is processed by means of electronic data processing systems. Laboratory equipment provides the function of radioanalysis of environmental samples for data with which to evaluate radionuclides released to the environment.

3.7 Effective date of license transfer and reciprocity. Subsection 2 of section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code provides for the effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess the same pursuant to a license issued under this chapter, which shall expire either 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Provisions for license reciprocity are covered under section 3.700 of regulation 83 of the Department. This section provides for the recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States other than the State of North Dakota.

4.0 ORGANIZATION AND PROGRAM STRUCTURE

The portion of the State Department of Health responsible for radiation protection is the Radiological Health Program of the Division of Environmental Engineering. Item 5.1 of the Appendix outlines the line of organizational structuring as it pertains to Radiological Health. Item 5.2 of the Appendix is the internal structuring of the Division of Environmental Engineering. Each of the five division units has a person with a specific responsibility and each contributes to the information exchange and manpower pool coordinated by the Director of the Division of Environmental Engineering. The three units directly pertaining to radiation protection, namely, the radioactive materials unit, the radiation surveillance unit, and the X-ray and electronic products unit are all staffed by people qualified by virtue of training and experience in radiation protection.

To assure that all units of the Division of Environmental Engineering are covered by

people knowledgeable in all aspects of division responsibility and to provide manpower backup in the event of staff vacancies, the concept of information exchange and manpower pool was developed. Information exchange is accomplished through the inter-unit communication of technical information related to specific units through seminars and by training in the field. This concept provides manpower depth to an otherwise small division with many responsibilities.

The Director of the Division of Environmental Engineering will review all applications for licenses, amendments and renewals. It will also be his responsibility to issue, modify, or deny the application.

The radioactive materials unit will maintain the necessary records by which the Atomic Energy Commission can periodically evaluate and determine the degree of compatibility of the North Dakota program to that of the Atomic Energy Commission and other agreement States.

Inspections will be performed by the Director of the Division and/or the other two members of the present division staff who are qualified by training and experience in radiation protection. A synopsis of the training and experience of the division staff with primary responsibility in the field of radiation protection is attached in the Appendix as item 5.3.

[F.R. Doc. 69-5782; Filed, May 14, 1969; 8:47 a.m.]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Proposed Issuance of Provisional Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of a provisional operating license, set forth below, which would authorize Niagara Mohawk Power Corp. (Niagara Mohawk) to possess, use, and operate the Nine Mile Point Nuclear Station, a single cycle, forced circulation, boiling water reactor. The reactor is located on the approximately 1,500-acre Nine Mile Point site on the southeast shore of Lake Ontario in the town of Scriba, Oswego County, N.Y., about 7 miles northeast of the city of Oswego. The proposed license would authorize Niagara Mohawk to operate the Nine Mile Point Nuclear Station at power levels not to exceed 1,538 megawatts (thermal) in accordance with the provisions of the license and the Technical Specifications appended thereto.

Prior to issuance of the provisional operating license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-16 issued by the Commission on April 12, 1965. Upon issuance of the provisional operating license, Niagara Mohawk will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) 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 this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (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.

For further details with respect to this proposed provisional operating license, see (1) the application for provisional operating license (application Amendments No. 2 through 13) filed during the period of May 29, 1967, through April 10, 1969, (2) the report of the Advisory Committee on Reactor Safeguards dated April 17, 1969, (3) a related safety evaluation prepared by the Division of Reactor Licensing, (4) the Technical Specifications which are incorporated in the proposed license and designated as Appendix A thereto, and (5) the Special Nuclear Materials Transfer Schedule designated as Appendix B to the license, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above 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 29th day of May 1969.

For the Atomic Energy Commission.

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

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission (the Commission) having found that:

a. The application for provisional operating license (application Amendments Nos. 2 through 13, dated May 29, 1967, July 14, 1967, Sept. 6, 1967, May 16, 1968, Sept. 27, 1968, Oct. 14, 1968, Nov. 4, 1968, Jan. 17, 1969, Jan. 17, 1969, Mar. 10, 1969, Mar. 28, 1969, and Apr. 10, 1969, respectively) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CFP-16;

c. There are involved features, characteristics, and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (1) that the facility can be operated at power levels not in excess of 1,538 megawatts (thermal) in accordance with this license without endangering the health and safety of the public, and (2) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicant is technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. The applicant has furnished proof of financial protection to satisfy the requirements of 10 CFR Part 140;

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

Provisional Operating License No. DPR-_____ is hereby issued to Niagara Mohawk Power Corp. (Niagara Mohawk), as follows:

1. This license applies to the Nine Mile Point Nuclear Station, a single cycle, forced circulation, boiling light water reactor, and electric generating equipment (the facility). The facility is located on the Nine Mile Point site on the southeast shore of Lake Ontario in Oswego County, N.Y., approximately 7 miles northeast of the city of Oswego and 36 miles northwest of Syracuse, and is described in license application Amendment No. 2, "Final Safety Analysis Report," as supplemented and amended (Amendments Nos. 3 through 13).

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Niagara Mohawk:

A. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the facility as a utilization facility at the designated location on the Nine Mile Point site;

B. Pursuant to the Act and Title 10, CFR, Part 70, "Special Nuclear Material," to receive, possess, and use at any one time up to 3,800 kilograms of contained uranium-235 in connection with operation of the facility;

C. Pursuant to the Act and Title 10, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess, and use in connection with operation of the facility 24 curies of cobalt-60 as a sealed source; 430 millicuries of cobalt-60 as two sealed sources of not more than 400 millicuries and 30 millicuries each; 500 microcuries of cobalt-60 as five sealed sources not to exceed 100 microcuries each; 101 millicuries cobalt-60, 3 millicuries strontium 90, 101 millicuries iodine-131, 102 millicuries cesium-137, and 13 millicuries of any byproduct material with Atomic Nos. between 3 and 83, inclusive, in any chemical and/or physical form; 12,500 curies antimony 122-124 as five sealed sources not to exceed 2,500 curies each; and six curies americium-241 as a sealed source; and

D. Pursuant to the Act and Parts 30 and 70, to possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility.

3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, §§ 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to the additional conditions specified below:

A. *Maximum power level.* Niagara Mohawk is authorized to operate the facility at steady state power levels up to a maximum of 1,538 megawatts thermal.

B. *Technical specifications.* The Technical Specifications contained in Appendix A¹ attached hereto are hereby incorporated in this license. Niagara Mohawk shall operate the facility at power levels not in excess of 1,538 megawatts thermal in accordance with the Technical Specifications, and may make changes therein only when authorized by the Commission in accordance with the provisions of § 50.59 of 10 CFR Part 50.

C. *Reports.* In addition to the reports otherwise required under this license and applicable regulations:

¹ This item was not filed with the Office of the Federal Register, but will be available for public inspection in the Public Document Room of the Atomic Energy Commission.

(1) Niagara Mohawk shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety functions as described in the Technical Specifications. For each such occurrence, Niagara Mohawk shall promptly notify by telephone or telegram the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20, and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (Director, DRL), with a copy to the Division of Compliance.

(2) Niagara Mohawk shall report to the Director, DRL, in writing, within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the Final Safety Analysis Report (safety analysis report) or the Technical Specifications.

(3) Niagara Mohawk shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the safety analysis report.

(4) As soon as possible after the completion of 6 months of operation of the facility (calculated from the date of initial criticality), Niagara Mohawk shall begin submitting reports in writing in accordance with the requirements of the Technical Specifications.

D. *Records.* Niagara Mohawk shall keep facility operating records in accordance with the requirements of the Technical Specifications.

4. Pursuant to § 50.60, Title 10, CFR, Part 50, the Commission has allocated to Niagara Mohawk for use in the operation of the facility 14,321 kilograms of uranium-235 contained in uranium in the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Niagara Mohawk and returns to the Commission are contained in Appendix B¹ which is attached hereto. Transfers by the Commission to Niagara Mohawk in accordance with column 2 in Appendix B will be conditioned upon Niagara Mohawk's return to the Commission of material substantially in accordance with column 3 (including the subcolumns headed "Scrap" and "Depleted Fuel").

5. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

For the Atomic Energy Commission.

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

[P.R. Doc. 69-6583; Filed, June 4, 1969;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
AMDAL CO.

Notice of Withdrawal of Petition for Food Additives Erythromycin Thiocyanate and Dimetridazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition was filed by Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, notice of which was published in the FEDERAL REGISTER of March 20, 1968 (33 F.R. 4751), proposing that the food additive regulations be amended to provide for the safe use of dimetridazole in combination with erythromycin thiocyanate in turkey feed for the prevention and control of blackhead, for improving growth and feed efficiency, as an aid in lowering the severity of and preventing the occurrence of chronic respiratory disease during periods of stress, and as an aid in the prevention and reduction of lesions.

Subsequently, the Commissioner of Food and Drugs requested the petitioner to submit certain additional information within 180 days of the petition's filing date. The requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations (21 CFR 121.51(j)), the subject petition is regarded as withdrawn without prejudice to a future filing.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6595; Filed, June 4, 1969;
8:46 a.m.]

FORT DODGE LABORATORIES

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (35-650V) has been filed by Fort Dodge Laboratories, Division of American Home Products Corp., Fort Dodge, Iowa 50502, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of a combination drug containing trichlorfon (O,O-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate) and atropine for the treatment of *Syphacia obvelata* (pinworm) in laboratory mice.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6596; Filed, June 4, 1969;
8:46 a.m.]

MERCK SHARP & DOHME RESEARCH LABORATORIES

Notice of Filing of Petition for Food Additive Amprolium

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (12-350V) has been filed by Merck Sharp & Dohme Research Laboratories,

Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of amprolium in the feed of laying hens for the prevention of coccidiosis.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6597; Filed, June 4, 1969;
8:46 a.m.]

STAUFFER CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

An order was published in the FEDERAL REGISTER of April 3, 1969 (34 F.R. 6041), promulgating § 120.261 (21 CFR 120.261) that established tolerances for residues of the insecticide N-(mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog in or on certain raw agricultural commodities, at specified levels, including in meat and fat of meat of cattle, goats, hogs, and sheep at 0.2 part per million from application to forage crops. The order acted on a petition (PP 8F0699) filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804.

Another petition (PP 9F0769) was also submitted by the Stauffer Chemical Co. proposing tolerances for negligible residues of the same insecticide and its oxygen analog in or on potatoes at 0.1 part per million and in the meat and fat of meat of cattle, goats, hogs, and sheep at 0.2 part per million, from dermal application to the animals for control of ectoparasites. The petitioner subsequently amended the petition by withdrawing the proposed tolerance regarding potatoes. Data in that petition show that the established tolerance level of 0.2 part per million is adequate to cover residues of the insecticide and its oxygen analog in the meat and fat of meat of cattle, goats, hogs, and sheep from both the feed use and the dermal use of the insecticide.

Therefore, in accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Stauffer Chemical Co. has withdrawn its petition described above (PP 9F0769), notice of which was published in the FEDERAL REGISTER of December 20, 1968 (33 F.R. 19044).

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6598; Filed, June 4, 1969;
8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION II (PHILADELPHIA)

Designation

The officer named below is hereby designated to serve as Acting Assistant Regional Administrator for Model Cities, Region II, during the absence of the Assistant Regional Administrator for Model Cities, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Model Cities:

1. Robert A. Smallwood, Manpower and Economic Development Specialist.

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 5th day of June 1969.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69-6628; Filed, June 4, 1969;
8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-54]

HUSKY OIL COMPANY OF DELAWARE

Notice of Qualification as U.S. Citizen

This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Husky Oil Company of Delaware, Post Office Box 380, Cody, Wyo., incorporated under the laws of the State of Delaware, did on May 8, 1969, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on May 22, 1969, issued to Husky Oil Company of Delaware a certificate of compliance on Form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs Regulations). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (3.21(h), Customs Regulations).

A certificate of compliance issued by the Commandant on May 12, 1967, to the Husky Oil Co., a Delaware corporation, has been surrendered to the Commandant for cancellation.

Dated: May 22, 1969.

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

[F.R. Doc. 69-6618; Filed, June 4, 1969;
8:48 a.m.]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

TITLE, SELECTION, AND TRAINING OF HEARING EXAMINERS, CAREER DEVELOPMENT OF GOVERNMENT ATTORNEYS, AND CREATION OF FEDERAL ATTORNEY CENTER FOR CONTINUING LEGAL EDUCATION OF GOVERNMENT LAWYERS AND PRIVATE LAWYERS ENGAGED IN ADMINISTRATIVE LAW PRACTICE

Notice of Extension of Opportunities for Written Comments

Notice is hereby given to all Federal departments and agencies and to all interested members of the public that the Committee on Personnel of the Administrative Conference will hold open until July 25, 1969, the record of the public hearings held April 14-23, 1969 on matters announced previously in the FEDERAL REGISTER, April 2, 1969, Vol. 34, No. 62 (F.R. Doc. 69-3946).

Detailed announcements as to the proposals under consideration may be obtained by contacting the office of the Chairman of the Committee on Personnel, Commissioner Dale W. Hardin, at Area Code 202, 737-9765, Ext. 7151. Written comments and proposals by interested parties relating to these matters are solicited and may be mailed by July 25, 1969, to the Committee on Personnel, Administrative Conference of the United States, 726 Jackson Place NW., Washington, D.C. 20506.

JERRE S. WILLIAMS,
Chairman.

JUNE 2, 1969.

[F.R. Doc. 69-6629; Filed, June 4, 1969;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-5-141]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority
May 29, 1969.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). These agreements, which were adopted for early effectiveness at the Worldwide Cargo Conference held in Athens April 14 through May 13, 1969, have been assigned the above-designated CAB agreement numbers.

The agreements, insofar as they apply in air transportation as defined by the Act, would technically amend existing IATA resolutions (1) governing carrier procedures for consignments supported by a U.S. Government bill of lading by specifying that the lading identification number shall be endorsed in the Special Accounting Information box of the air waybill, and (2) listing those countries which compose the area defined as the "Middle East" so as to update the name of one country listed therein. The remainder of these early effectiveness resolutions involve the establishment of specific commodity rates which are not applicable to/from the United States or its possessions and, therefore, are of primary interest to other governments.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
21024			
R-1.....	012b.....	Definition of Middle East-Amending (Expedited).	World-wide.
R-2.....	601.....	U.S. Government Bill of Lading-Amending (Expedited).	1, 2, 3.

2. It is not found that the following resolutions, incorporated in the agreements indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
21023			
R-1.....	590f.....	Traffic Conference 2 Specific Commodity Rates (Expedited).	2
R-2.....	590g.....	Traffic Conference 2 Specific Commodity Rates (Expedited).	2
R-3.....	590h.....	Traffic Conference 2 Specific Commodity Rates (Expedited).	2
21025.....	590r.....	Traffic Conference 3 Specific Commodity Rates (Expedited).	3

Accordingly, it is ordered, That:

1. Action on Agreement CAB 21024, R-1 and R-2, be and hereby is deferred, with a view toward eventual approval; and

2. Jurisdiction is disclaimed with respect to Agreements CAB 21023, R-1 through R-3, and CAB 21025.

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. 69-6630; Filed, June 4, 1969;
8:49 a.m.]

[Docket No. 20781; Order 69-5-137]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Philadelphia/Washington/Baltimore Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of May 1969.

By Order 69-4-138, the Board, among other things, conditioned its approval of an IATA transatlantic fare agreement, Docket No. 20781, Agreement CAB 20848, R-11, intended to be effective May 1, 1969, so as to require that fares between Philadelphia/Washington/Baltimore and European points and points beyond be no greater, on a fare per mile basis, than fares to/from New York. In response to a request from Pan American World Airways, Inc., the effectiveness of this condition was deferred until June 1, 1969, with respect to normal fares and until July 1, 1969, with respect to all other fares.

By a telegram received May 22, 1969, Trans World Airlines, Inc. (TWA), requested that application of the condition be deferred until July 1 for all fares, and stated that Pan American concurred in the request. TWA alleges that, although the carriers have been attempting to resolve the complex problems involved in meeting the Board's objective, it will not be possible to meet the June 1 date with respect to normal fares. The city of Philadelphia and Greater Philadelphia Chamber of Commerce oppose the delay.

The Board recognizes that there are inherent technical difficulties in restructuring the fares along the lines called for by the Board's condition, and that a large number of fares are involved. In these circumstances, we do not find it adverse to the public interest to grant TWA's request to defer application of the condition with respect to all fares until July 1, 1969.

Accordingly, acting pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 404(b), 412, and 1002(b) thereof:

It is ordered, That:

Application of the condition imposed in ordering paragraph 1(b) of Order 69-

4-138, which requires that fares between Philadelphia/Washington/Baltimore and European points or beyond be, on a per mile basis, no greater than corresponding fares per mile to/from New York for all respective fare categories, is deferred until July 1, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-6631; Filed, June 4, 1969;
8:49 a.m.]

[Docket No. 19539, etc.]

PHOENIX-SEATTLE/PORTLAND NONSTOP CASE

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 17, 1969, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 16, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 29, 1969.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 69-6632; Filed, June 4, 1969;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 442]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Appli- cations Accepted for Filing²

JUNE 2, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list,

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

²The above alternative cutoff rules apply to those applications listed in the appendix having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the

application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

- 7056-C2-P-69—Answering Network of Georgia, Inc. (New), C.P. for a new (1-way) station to be located at 2500 Tennessee Avenue, Savannah, Ga., to operate on base frequency 152.24 MHz.
- 7057-C2-P-(3)69—Radio Phone Communications, Inc. (New), C.P. for a new (2-way) station to be located at 8217 19th Road North, Arlington, Va., to operate on base frequencies 454.125, 454.175, and 454.325 MHz.
- 7058-C2-P-69—Tel-Car Corp. (KIB527), C.P. for an additional base channel to operate on frequency 454.075 MHz at location No. 1: 117 Northeast First Avenue, Miami, Fla.
- 7059-C2-P-69—Robert E. Franklin (KKE965), C.P. to replace the base transmitter operating on frequency 152.15 MHz at station located at 1010 Millam Street, Houston, Tex.
- 7060-C2-P-69—Waco Communications, Inc. (KLB498), C.P. to change frequency to 158.52 MHz; replace base transmitter operating on same and relocate facilities to approximately 2 miles southwest of Belton, Tex.
- 7061-C2-P-(2)69—Waco Communications, Inc. (New), C.P. for a new 2-way station to be located off Highway No. 81, approximately 5 miles south of city limits of Waco, Tex., to operate on frequencies 454.05 and 454.10 MHz.
- 7075-C2-P-(3)69—Jack Loperena (KMA261), C.P. for additional base channel at location No. 2: 1.75 miles northwest of Squaw Valley, Calif., to operate on frequency 152.03 MHz.
- 7076-C2-P-69—Mobilfone of Kansas (KAQ624), C.P. for additional base channel on 152.06 MHz at station located at U.S. Highway No. 50, 1 mile west of Emporia, Kans.
- 7077-C2-AL-69—Iowa City Answering Service, Consent to assignment of license from Iowa City Answering Service, Assignor, to: Iowa City Communications Corp., Assignee, Station: KJU809 Coralville, Iowa.
- 7079-C2-P-(3)69—Ace Commercial Service, Inc. (New), C.P. for a new 2-way station to operate on base frequency 152.030 MHz and repeater frequency 459.025 MHz at location No. 1: WCBI-TV tower, 4 miles northeast of Columbus, Miss., and control frequency 454.025 MHz at location No. 2: 917 South Third Avenue, Columbus, Miss.
- 7080-C2-P-69—General Telephone Co. of the Southwest (New), C.P. for a new 2-way station to be located on Choctaw Street, between Main and Wagoner, Lindsay, Okla., on frequency 152.69 MHz.
- 7081-C2-P-69—Jay-En, Inc. (New), C.P. for a new 1-way station to be located at Fifth Avenue West and 10th Street, Duluth, Minn., to operate on frequency 152.24 MHz.
- 7082-C2-P-69—General Telephone Co. of California (KMM687), C.P. for additional base channel to operate on frequency 454.525 MHz at station located at 900 South C Street, Oxnard, Calif.
- 7083-C2-AL-69—Consolidated Telephone Co., Consent to assignment of license from Consolidated Telephone Co., Assignor, to: The Cincinnati & Suburban Bell Telephone Co.

Informative

The Alaska Communication System; 550 Federal Office Building, Seattle, Wash.; has submitted a request for the following frequencies to provide a public toll telephone service at the locations noted.

Applicant—United States Air Force:

- 75.86 MHz (Base) 16F3 (Central Office), 30 watts, area bounded by 70° N. and 70°30' N. and 147°37' W. and 150° W. to;
- 72.82 MHz (Mobiles), 16F3, 30 watts, area bounded by 70° N. and 70°30' N. and 147°30' W.
- The above proposals have been received in the Frequency Registration and Notification Branch of the Frequency Allocation and Treaty Division.

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

- 7068-C1-P-69—Illinois Bell Telephone Co. (KXR54), C.P. to change frequency from 6019.3 MHz to 6049.0 MHz toward Wasco, Ill. Station location: 1.5 miles north of Eola, Ill.
- 7070-C1-MP-69—Mountain States Telephone & Telegraph (KPZ70), Modification C.P. to change antenna system and point of communication operating on frequencies 6226.9 and 6345.5 MHz to Pine Butte, Wyo., via passive reflector.
- 7071-C1-MP-69—Mountain States Telephone & Telegraph (KYJ79), Modification C.P. to

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

- change point of communication on frequencies 5974.8 and 6093.5 MHz toward Separation Peak, Wyo., and Rock Springs, Wyo., via passive reflector.
- 7072-C1-P/ML-69—Mountain States Telephone & Telegraph (KAQ85), C.P. and modification of license for additional transmitters to operate in the 2110-2130, 2160-2180, 3700-4200, 5925-6425, and 10,700-11,700 MHz frequency bands to operate in any temporary fixed location within the territory of the grantee (Developmental).
- 7073-C1-P-69—Indiana Bell Telephone Co. (KSN75), C.P. to add frequencies 5945.2 and 10,835 MHz toward Crawfordsville, Ind. Station location: 3.5 miles northwest of Danville, Ind.
- 7074-C1-P-69—Indiana Bell Telephone Co. (New), C.P. for a new fixed station to be located at 2.1 miles southwest of Crawfordsville, Ind., to operate on frequencies 6197.2 and 11,525 MHz toward Montclair, Ind.
- 7084-C1-AP-69—Citizens Telephone Co. Consent to assignment of license from Citizens Telephone Co., Assignor, to: The Cincinnati & Suburban Bell Telephone Co., Assignee, Station: KYC64 Williamstown, Ky.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)

Major Amendment

- 3693-C1-P-69—Minnesota Microwave, Inc. (New), Amended to change frequency 6323.3 MHz to 6352.9 MHz toward Cannin Falls, Minn., on azimuth of 150°12'. Transmitter location: Foshay Tower Building, Minneapolis, Minn.
- 3695-C1-P-69—Minnesota Microwave, Inc. (New), Amended to change frequencies 6011.9 MHz and 6130.5 MHz to 5952.6 MHz and 6160.2 MHz, respectively, toward IBM Building, Rochester, Minn., on azimuth of 273°36'. Transmitter location: 2 miles east of Rochester, Minn. All other particulars same as reported in public notice dated Jan. 6, 1969 and Jan. 21, 1969.

[F.R. Doc. 69-6638; Filed, June 4, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-26]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

First Supplemental Order and Special Permission No. 5035.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a ten percent general rate increase of the subject carrier, and suspended to and including September 17, 1969, Supplement No. 51 to Tariff FMC-F No. 3 (Pan-Atlantic Steamship Corp. FMC-F Series) and Supplement No. 15 to Tariff FMC-F No. 2 (Pan-Atlantic Steamship Corp. FMC-F Series), among other tariff matters. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 253, filed by Sea-Land Service, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon less than statutory notice, of new reduced rates as enumerated, which will change tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 69-26 to make changes in rates and provisions held in effect by reason of suspension in said docket, said changes to become effective on less than statutory notice upon the individual dates requested by Special

Permission Application No. 253, be and it is hereby granted.

2. Publications issued and filed under this authority shall bear the following notation: "Authority to issue and file on not less than (show notice corresponding to rate change in Special Permission Application No. 253) _____ days' notice and to depart from the terms of the order in I&S Docket No. 69-26 granted under Federal Maritime Commission Special Permission No. 5035 dated May 28, 1969."

3. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned reduced rates to become effective, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission,

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6584; Filed, June 4, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7430]

GULF STATES UTILITIES CO.

Notice of Application

MAY 28, 1969.

Take notice that by order issued August 23, 1968, the Federal Power Commission, pursuant to section 204 of the Federal Power Act, authorized Gulf States Utilities Co. (Applicant), Beaumont, Tex., to issue short term promissory notes not to exceed an aggregate of \$60 million principal amount outstanding at any one time. The notes were to have final maturity date not later than December 31, 1970.

On May 21, 1969, Applicant filed a supplemental application requesting that the Commission's order of August 23,

1968, be modified to the extent that Applicant be authorized to issue short term promissory notes in an aggregate principal amount outstanding at any one time of \$70 million. All other terms and conditions of the Commission's order are to remain the same.

The increase in the aggregate principal amount of short term borrowings to \$70 million from \$60 million was applied for to enable Applicant to meet its obligations and to provide greater flexibility in Applicant's financing program by making available additional working capital through the use of short term notes at a time of high interest costs in the bond market until such time as permanent financing can be completed.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6585; Filed, June 4, 1969; 8:45 a.m.]

[Docket No. CP69-311]

IOWA ELECTRIC LIGHT AND POWER CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 28, 1969.

Take notice that on May 19, 1969, Iowa Electric Light and Power Co. (Applicant), Post Office Box 351, Cedar Rapids, Iowa 52406, filed in Docket No. CP69-311 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to construct and operate certain facilities and to sell up to 684 Mcf of natural gas per day to Applicant for resale and distribution in the towns of Keosauqua and Lockridge, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the necessary distribution facilities in said communities. The total estimated third year peak day and annual natural gas requirements for the two communities are 684 Mcf and 109,063 Mcf, respectively.

Applicant estimates the total cost of its projects to be \$170,815, which cost will be financed from funds on hand.

The application indicates that Respondent will deliver gas to Lateral Gas Pipeline Co. (Lateral) for the account of Applicant and Lateral will transport and deliver said gas to Applicant for distribution and resale in the two towns. Lateral has filed in Docket No. CP69-310 a related application for a certificate authorizing the necessary facilities to transport gas for Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-6586; Filed, June 4, 1969;
8:45 a.m.]

[Docket No. E-7486]

MAINE ELECTRIC POWER CO., INC.

Notice of Application

MAY 28, 1969.

Take notice that on May 23, 1969, Maine Electric Power Co., Inc. (Applicant), a corporation organized and existing under the laws of the State of Maine, with its principal place of business at Augusta, Maine (correspondence to Mr. R. N. Haskell, 33 State Street, Bangor, Maine 04401), filed an application seeking authorization pursuant to Executive Order No. 10485 to construct, operate, maintain, and connect facilities at the international boundary between the State of Maine and the Province of New Brunswick, Canada, at a point in or near the town of Orient in the State of Maine, for the purpose of importing electric energy from Canada into the United States and for other purposes.

Central Maine Power Co. and the New Brunswick Electric Power Commission of Fredericton, New Brunswick, Canada, have signed a letter of intent for the construction of a single circuit 345-kv. transmission line extending from the Keswick substation of the New Brunswick Electric Power Commission near Mactaquac, New Brunswick, to Central Maine's substation near Wiscasset, Maine, for the coordination of their respective electric systems and for the purchase of power by Central Maine from New Brunswick. Applicant has agreed to accept assignment from Central Maine of all of its rights and obligations under said letter of intent.

Applicant will offer its capital stock on a pro rata basis to each electric utility operating on the mainland in the State of Maine according to their size. The initial power to be imported from Canada has been offered to all electric utilities on the mainland in the New England States and their support of the line solicited. As of May 21, 1969, 13 electric utilities, serving areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont had accepted the offer. Twenty-eight other electric utilities in the New England States had indicated an interest in the offer and reserved the right to participate under it. The foregoing commitments having been received, the Applicant has undertaken, upon receipt of a Presidential permit from the Federal Power Commission and upon obtaining all necessary governmental approvals of its security issues, to construct the necessary facilities within the United States to effectuate the interconnection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-6587; Filed, June 4, 1969;
8:45 a.m.]

[Docket No. CP69-309]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 27, 1969.

Take notice that on May 19, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that a number of its customers have revised their original nominations for the contract year commencing September 1, 1969, resulting in a net aggregate increase in required daily

quantities of 60,771 Mcf of natural gas. Applicant proposes to meet these requirements by a 30,000 Mcf per day expansion of the main line capacity of its system extending to Louisiana and utilization of unallocated firm gas supply resulting from the expanded capacity authorized by the Commission in its order issued January 17, 1969, in Docket No. CP69-44.

Specifically, Applicant seeks authorization to install additional main line compression at its existing Jena, Sardis, and Madisonville Compressor Stations and to transfer compressor units from its Sardis and Madisonville Compressor Stations to its Crown Point and German-town Compressor Stations.

The total estimated cost of the proposed facilities is \$6,630,000, which will be financed with borrowings from banks under lines of credit, together with retained earnings and other funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to any proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-6588; Filed, June 4, 1969;
8:45 a.m.]

[Docket No. CP69-306]

UNITED FUEL GAS CO.

Notice of Application

MAY 28, 1969.

Take notice that on May 16, 1969, United Fuel Gas Co. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va., 25325, filed in Docket No. CP69-306 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and authorizing maximum daily deliveries of natural gas during the 1969-70 season to customers hereinafter specified and for permission and approval to abandon facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the following:

(1) To construct and operate a 2,000 horsepower addition at the Glenville compressor station, Gilmer County, W. Va., in order to eliminate a presently existing capacity deficiency;

(2) To install a main line tap and measuring and regulating facilities in Cabell County, W. Va., to deliver natural gas to Consumers Gas Utility Co. for resale and distribution in the community of Martha, Deliveries to Consumers Gas will be out of the latter's presently authorized maximum daily supply;

(3) To install measuring and regulating facilities in Pike County, Ky., and to sell a maximum daily quantity of 150 Mcf of natural gas to Belfry Gas Co., Inc., for resale and distribution in the community of Belfry, and

(4) To abandon approximately 1.4 miles of 6-inch pipeline in Kanawha County, W. Va., which line is no longer needed to transport gas for injection into Applicant's underground storage facility.

The application indicates the total estimated cost of the proposed facilities to be \$785,000, which cost will be financed through open account advances from and the issuance of promissory notes to Applicant's parent, The Columbia Gas System, Inc.

Under rate schedules providing firm service to jurisdictional customers, Applicant proposes to make the following maximum daily deliveries of natural gas:

Customer	Authorized in Docket No. CP69-104 (Mcf)	Requested herein (Mcf)
Atlantic Seaboard Corp.	900,000	910,000
Binsfield Gas Co.	7,400	8,000
Columbia Gas of Kentucky, Inc.	56,700	55,800
Gas Transport, Inc.	8,000	8,000
Kentucky Gas Transmission Corp.	690,600	730,700
The Manufacturers Light & Heat Co.	448,000	502,000
The Ohio Fuel Gas Co.	610,000	610,000
The Ohio Valley Gas Co.	51,100	51,100

[Docket No. CP69-304]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 27, 1969.

Take notice that on May 16, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-304 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate two different projects. Project "A" consists of 21.8 miles of 36-inch pipeline, beginning at the Arnaudville Compressor Station, St. Landry Parish, La., and extending in a general southerly direction to a point in Lafayette Parish, La., to the tie-over to the Lafayette 12-inch pipeline. Applicant will also install a check meter station at the Arnaudville Compressor Station.

Project "B" consists of 16.5 miles of 36-inch pipeline, beginning with the tie-over to the Lafayette 12-inch pipeline at a point in Lafayette Parish, La., and extending in a general southerly direction to end at a point near Erath, Vermilion Parish, La. Applicant will also install a regulator and meter station at the tie-over to the Lafayette 12-inch pipeline in Lafayette Parish.

The total estimated cost of the proposed facilities is \$12 million, which will be financed through the use of short-term demand notes and funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

Jurisdictional customers with total daily entitlements of less than 5,000 (Mcf)	Authorized in Docket No. CP69-104 (Mcf)	Requested herein (Mcf)
Belfry Gas Co.		150
Consumers Gas Utility Co.	1,300	1,300
Luther Lusher	30	30
Union Oil & Gas, Inc.	600	600
Zebulon Gas Association, Inc.	140	150
Total of proposed initial levels of deliveries to customers with total daily entitlements of less than 5,000 Mcf.	2,070	2,270
Adjustment to allow for minor revisions of such customers' estimates and unscheduled growth.	2,900	2,730
Total requested volumetric level for maximum daily deliveries to all jurisdictional customers with total daily entitlements of less than 5,000 Mcf.	5,000	5,000

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6589; Filed, June 4, 1969; 8:45 a.m.]

this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-6590; Filed, June 4, 1969;
8:45 a.m.]

[Docket No. CP69-305]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 28, 1969.

Take notice that on May 16, 1969, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-305 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the exchange of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the Applicants have entered into an exchange agreement dated April 25, 1969, with Sea Robin Pipeline Co. (Sea Robin) whereby Sea Robin will deliver to United for Southern's account up to 750,000 Mcf of gas per day to be purchased by Southern from Sea Robin at Erath, Vermillion Parish, La., and that United will deliver in exchange therefor equivalent volumes of gas to Southern at Bayou Sale, Lafayette Parish, La. Applicants allege that the proposed exchange will make it unnecessary for Southern to build extensive facilities to connect its pipeline system with the facilities of Sea Robin at Erath and will achieve certain economies for United.

Specifically, in order to effectuate the proposed exchange, United seeks authorization to install and operate tie-in valves and appurtenant facilities to deliver natural gas to Southern at the Bayou Sale Compressor Station site in St. Mary Parish, La.

The total estimated cost of the proposed facilities is \$88,960, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

cordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-6591; Filed, June 4, 1969;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

MIDWEST BANCORPORATION, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Midwest Bancorporation, Inc., Kansas City, Mo., for approval of action to become a bank holding company through the acquisition of more than 80 percent of the voting shares of Laurel Bank, Raytown, Mo., and Platte Woods Bank, Platte Woods, Mo.

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 Midwest Bancorporation, Inc., Kansas City, Mo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of more than 80 percent of the voting shares of Laurel Bank, Raytown, Mo., and Platte Woods Bank, Platte Woods, Mo.

As required by section 3(b) of the Act, the Board notified the Commissioner of Finance of the State of Missouri of receipt of the application and requested his views and recommendation. The Com-

missioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 10, 1969 (34 F.R. 1572), 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 statement¹ 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 the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 28th day of May 1969.

By order of the Board of Governors,²

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[P.R. Doc. 69-6592; Filed, June 4, 1969;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

MAY 29, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 30, 1969, through June 8, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 69-6600; Filed, June 4, 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.

[812-2455]

**BERNSTEIN-MACAULAY SPECIAL
FUND, INC.**

**Notice of and Order for Hearing on
Application for Exemption**

MAY 28, 1969.

Notice is hereby given that Bernstein-Macaulay Special Fund, Inc. ("Applicant"), 55 Broad Street, New York, N.Y. 10005, an open-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has applied pursuant to section 6(c) of the Act for an order exempting it from Rule 22c-1 of the rules and regulations under the Act, to the extent that said rule requires that shares of Applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant has assets of approximately \$3,800,000. An average of five persons per week have subscribed for shares of Applicant during the past year. For the year ended March 31, 1969, Applicant had \$18,970 of net income and paid investment advisory fees of \$17,903.86 fees to Bernstein-Macaulay, Inc. ("Manager") the company which organized Applicant in 1963 to provide an investment medium for its investment advisory clients.

Applicant has been advised by Manager that the cost of once weekly valuation, which was followed prior to the effective date of Rule 22c-1, was approximately \$5,300 a year. Manager has also advised Applicant that it anticipates that the cost of complying with Rule 22c-1 with respect to the pricing of shares for sale will be approximately \$21,000 a year. Manager has also advised Applicant that if compliance with Rule 22c-1 is required it will seek to have the Investment Advisory Agreement amended so as to provide that the Applicant shall bear the costs of pricing.

Applicant therefore seeks an order permitting it to price shares for sale once a week until its assets reach \$5 million or an average of 15 persons per week subscribe for Applicant's shares during any 6-month period preceding the receipt of any subscription application.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant proposes to price shares for sale at the net asset value as of the close of trading on the New York Stock Exchange on the Wednesday next succeeding the receipt of a subscription to shares of Applicant or on the date of receipt of

such subscription if such subscription is received on a Wednesday.

Subscription to shares of Applicant are received by Applicant's underwriter and the accompanying payment is held by the underwriter until Applicant has accepted such subscriptions. Subscribers are entitled to withdraw their subscription until they have been accepted by the Fund.

Applicant will continue to make valuation on each day a request for redemption of Applicant's shares is received.

Applicant represents that its proposed pricing method, under which shares are prospectively valued is consistent with the objective of Rule 22c-1 to prevent dilution in the value of shares and short term speculation resulting from sale of shares at a previously determined price. Applicant also contends that the cost of valuing shares for sale more frequently than once a week is disproportionately high in comparison to any possible benefit to Applicant's shareholders.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, 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.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40 (a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 27th day of June 1969 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 25th day of June 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request.

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

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

Whether the exemption requested 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.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6601; Filed, June 4, 1969;
8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 31, 1969, through June 9, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6602; Filed, June 4, 1969;
8:46 a.m.]

[812-2462]

**CONNECTICUT WESTERN MUTUAL
FUND, INC.**

**Notice of and Order for Hearing on
Application for Order of Exemption**

MAY 28, 1969.

Notice is hereby given that Connecticut Western Mutual Fund, Inc. ("Applicant"), 460 Summer Street, Stamford,

Conn. 06902, an open-end, nondiversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has applied for an order pursuant to section 6(c) of the Act exempting Applicant from Rule 22c-1 of the rules and regulations under the Act to the extent that said rule requires that shares of Applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

As of February 28, 1969, Applicant had 74 shareholders and net assets of \$464,723. For the 6 months ended February 28, income amounted to \$4,009 and expenses were \$2,103 including management fees of \$863. During the fiscal year beginning September 1, 1968, Applicant has received nine requests for redemption and 15 orders for the sale of new shares. Applicant estimates that it costs approximately \$100 in clerical expense for each calculation of net asset value. Applicant submits that making a price for sales whenever an order is received would multiply the costs of managing Applicant and would be unduly burdensome in relation to the size of Applicant.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant proposes to price orders for shares received before the close of business on the New York Stock Exchange ("Exchange") on Wednesday of each week, as of the close of business on the Exchange on Wednesday, and orders received after the close of business of the Exchange on Wednesday, as of the close of business of the Exchange on the following Wednesday. An investor may withdraw his order at any time until the close of business of the Exchange on the Wednesday that shares would be priced for sale to him. Shares tendered for redemption will be priced as of the close of the Exchange on the day such tenders are received except that tenders received after the close of the Exchange will be priced as of the close of the Exchange on the next day it is open for business.

Applicant represents that the proposed method of pricing of shares for sale will be less costly than it would be to offer shares more frequently, and at the same time will not result in any dilution of the value of outstanding shares.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the

Act, 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.

Applicant requests exemption from Rule 22c-1 so that it can price shares for sale weekly, until the net assets of Applicant exceed \$5 million or the incidence of sales exceeds 100 orders in any one fiscal semiannual period.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered. Pursuant to section 40 (a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 27th day of June 1969 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 25th day of June 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request.

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

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

Whether the exemption requested 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.

It is further ordered. That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered. That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commis-

sion in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 69-6603; Filed, June 4, 1969;
8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered. Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 1, 1969, through June 10, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 69-6604; Filed, June 4, 1969;
8:47 a.m.]

[812-2518]

CRAIG-HALLUM, INC., AND GENERAL SECURITIES, INC.

Notice of Filing of Application for Order for Exemption

MAY 28, 1969.

Notice is hereby given that Craig-Hallum, Inc. ("Craig-Hallum"), 133 South Seventh Street, Minneapolis, Minn., a Minnesota corporation, and General Securities, Inc. ("Fund"), a Minnesota corporation registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act") (hereinafter referred to as "Applicants"), have filed an application 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 that section 15 may prohibit Craig-Hallum from acting as investment adviser to Fund following consummation of a proposed Plan of Reorganization ("Plan") of Craig-Hallum without approval of a new investment advisory contract by Fund shareholders until the next regular annual meeting of Fund shareholders to be held no later than January 29, 1970. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Craig-Hallum has acted as investment adviser to Fund continuously since May 3, 1951, and is currently acting pursuant to a written contract dated February 24, 1965, as amended December 27, 1967, and most recently approved by Fund shareholders at a shareholders' meeting on January 29, 1969. The agreement provides for its automatic termination in the event of its assignment by Craig-Hallum. All of the outstanding voting stock of Craig-Hallum is presently owned by 85 persons. Pursuant to a vote of the Board on April 14, 1969, Craig-Hallum proposes to adopt a Plan pursuant to which all of the outstanding stock of Craig-Hallum will be transferred to a new corporation to be named Craig-Hallum Corp. in exchange for stock of the new corporation. The present 85 shareholders of Craig-Hallum will be the sole shareholders of the new corporation. Applicants propose to execute a new advisory agreement to become effective immediately upon the transfer of the outstanding voting securities of Craig-Hallum which will be identical in all material respects with the presently effective agreement. Applicants agree that the new agreement will be submitted to shareholders of Fund for approval at the next annual meeting of Fund and Fund undertakes to hold its next regular annual meeting of shareholders no later than January 29, 1970. Further, the new investment advisory contract will be approved by the board of directors of Fund prior to execution.

Section 15 of the Act provides among other things, 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 has been approved by a majority of the voting securities of such registered company and provides, in substance, for the automatic termination of an advisory contract in the event of its assignment by the investment adviser. "Assignment" is defined in section 2(a)(4) of the Act to include the direct or indirect transfer of a contract or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provisions of the Act 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.

Applicants state that the holding of a special meeting of shareholders of Fund, which would involve the preparation and filing of proxy soliciting material, would involve a substantial expenditure of time and money by Applicants and express their opinion that the contemplated transaction will not constitute an assignment of a controlling block of stock because the same persons will continue in indirect control of Craig-Hallum after consummation of the Plan. Applicants assert that in view of the long relationship between Applicants and the fact that

the new contract will be identical in terms with the present contract, the exemption requested is appropriate in the public interest, is consistent with the protection of investors and is consistent with 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 17, 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 reasons 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 shall 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 Applicants 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 hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6605; Filed, June 4, 1969;
8:47 a.m.]

[70-4758]

DELMARVA POWER AND LIGHT CO.

Notice of Proposed Underwritten Common Stock Offering to Stockholders and Offering of Unsubscribed Shares to Employees, and Issue and Sale of Preferred Stock at Competitive Bidding

MAY 29, 1969.

Notice is hereby given that Delmarva Power and Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company and also a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to issue and sell 597,909 shares of its authorized but unissued common stock, par value \$3.375 per share, at an offering price which will not exceed, nor be less than 90 percent of, the last reported sale price on the New York Stock Exchange prior to the determination of the offering price. The offering price will be determined by Delmarva's board of directors no later than 12 noon on July 8, 1969.

In accordance with the requirements of Delmarva's certificate of incorporation, its stockholders of record on July 10, 1969, will have the right (evidenced by transferable warrants) to subscribe to the new stock on the basis of one share of new stock for each 15 shares of common stock held of record on such date. Subject to the rights of stockholders, the stock will also be offered at the same offering price to employees of Delmarva and its subsidiary companies in an amount not exceeding 150 shares per employee. The balance, if any, of the unsubscribed common stock will be sold at the offering price to underwriters subject to the competitive bidding requirements of Rule 50.

Delmarva also proposes, for the purpose of stabilizing the price of its common stock, to purchase up to 29,895 shares of the presently outstanding shares. Such stabilization, if commenced, will be terminated not later than the time fixed for the acceptance of a bid for the purchase of the unsubscribed stock. Shares acquired by Delmarva as a result of such stabilization will be included as a part of the unsubscribed stock which will be sold to the underwriters.

Delmarva also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, 100,000 shares of its cumulative preferred stock, par value \$100 per share. The dividend rate of the preferred stock (which will be a multiple of one-twenty-fifth of 1 percent or \$0.04 per share) and the price, exclusive of accrued dividends, to be paid to Delmarva (which will be not less than \$100 nor more than \$102.75 per share) will be determined by the competitive bidding.

The proceeds received from the issue and sale of the common and preferred stock will be used by Delmarva and its subsidiary companies to finance, in part, the cost of their 1969 construction program, estimated at \$65,934,000, and to pay all or a portion of unsecured short-term loans incurred prior to the sale of the common and preferred stock.

A statement of the fees and expenses to be incurred by Delmarva in connection with the proposed transactions will be filed by amendment. The fees of counsel for the underwriters, to be paid by the successful bidders, will also be supplied by amendment.

It is stated that the Public Service Commission of Delaware has jurisdiction over the proposed issue of common stock and preferred stock by Delmarva, and no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 23, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6606; Filed, June 4, 1969;
8:47 a.m.]

[812-2479]

EASTERN STATES CORP.

Notice of Filing of Application for Order of Exemption

MAY 28, 1969.

Notice is hereby given that Eastern States Corp. ("Eastern"), 10 Light Street, Baltimore, Md. 21202, a Maryland corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 17(b) and 17(d) of the Act and Rule 17d-1 with respect to a proposed transaction incident to a Plan of Reorganization ("Plan") and Purchase and Sale Agreement ("Agreement") between Eastern and St. Regis Paper Co. ("St. Regis"). The application requests an order pursuant to section 17(b) of the Act exempting from section 17(a) of the Act the proposed sale by Eastern to St. Regis of all of its assets in exchange for stock of St. Regis and the assumption by St. Regis of certain liabilities of Eastern, more fully described below. The application also requests an order granting said application pursuant to Rule 17d-1 with respect to the proposed participation by certain shareholders and the officers and direc-

tors of Eastern in said transaction. All persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

At the adjourned annual meeting of shareholders of Eastern held April 22, 1969, the holders of more than two-thirds of the outstanding common stock of Eastern approved the Plan and Agreement as well as Articles of Sale and Articles of Dissolution. Under the terms of the Plan and Agreement, Eastern proposes to sell, convey, transfer, assign and set over to St. Regis all the assets, properties, rights and interests of Eastern, consisting primarily of Common Stock of St. Regis, in exchange for Common Stock of St. Regis and the assumption by St. Regis of certain liabilities of Eastern. The number of shares of St. Regis to be delivered to Eastern will equal the number of shares of such stock now held by Eastern less the number of shares the value of which is equal to the amount of Eastern's net liabilities on the closing date assumed by St. Regis. On the basis of Eastern's assets and liabilities as of February 1, 1969, and the market value of St. Regis Common Stock on that date St. Regis would issue approximately 915,000 shares of its common stock to Eastern and assume \$1,768,000 of Eastern's liabilities in exchange for the 956,908 shares of St. Regis Common Stock held by Eastern. Following consummation of the Plan and Agreement, Articles of Dissolution will be filed by Eastern, whereupon the dissolution of Eastern will be effective: *Provided, however*, That Eastern will continue in existence for the purpose of liquidation and winding up its affairs. In connection with its winding up and liquidation Eastern will deliver all of the St. Regis Common Stock received by it under the Plan to a bank as agent for the stockholders, which bank will effect the necessary distribution and will provide for the purchase or sale of any fractional interests as any stockholder of Eastern may elect and settle all fractional interests in cash. Eastern will also make application to the Commission for an order under section 8(f) of the Act, declaring that it has ceased to be an investment company.

Commission jurisdiction. As of January 1, 1969, Mr. Ferguson, who is also a director and shareholder of St. Regis, beneficially owned 29.08 percent of the voting securities of Eastern; the following directors and officers of Eastern had beneficial ownership of shares of common stock of Eastern: Jess S. Barber, Abe Cooper, Roy K. Ferguson, Stephen P. Kaptain, James E. Kussman, Horace R. Lamb, James W. Moss, Charles Plohn, Walter Schick, and Harold S. Sutton; Cyrus J. Lawrence & Sons held 19.95 percent, and David J. Green & Co. held in its own name or in individual names or it and its partners beneficially owned a total of 6.08 percent. In addition, Eastern owned 956,908 shares of St. Regis Common Stock, being approximately 7 percent of the voting securities of St. Regis. Section 2(a)(3) of the Act, as here pertinent, defines "affiliated person"

to include any officer or director, any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of another person and any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by another person. Therefore, Eastern and St. Regis may be deemed to be affiliated persons of each other, Mr. Ferguson may be deemed to be an affiliated person of both St. Regis and Eastern, and the other persons named above may be affiliated persons of Eastern.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company any securities or other property and thus would prohibit the proposed transaction unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition. Section 17(b) states that the Commission shall grant such application and issue an order of exemption if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transaction is consistent with the policies of Applicant as recited in its registration statement and reports filed under the Act; and if the proposed transaction is consistent with the general purposes of the Act. Section 17(d) of the Act and Rule 17d-1 thereunder provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, to effect any transaction in which such registered company or a company controlled by such registered company is a joint and several participant with such person unless an application regarding such transaction pursuant to Rule 17d-1 has been granted by the Commission. In passing upon such applications, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Supporting statements. The application states that the proposed transaction required the approval of the affirmative vote of two-thirds of the outstanding shares of Common Stock of Eastern and this approval was obtained on April 22, 1969. The number of shares of St. Regis Common Stock to be issued to Eastern will equal the number of shares of such stock held by Eastern less the number of shares the value of which is equal to the amount of Eastern's net liabilities on the closing date assumed by St. Regis. Eastern states that all holders of Eastern common stock (the only class of stock

outstanding) will receive identical treatment, and the distribution and liquidation to stockholders of Eastern will be on a pro rata basis. The application further states that the St. Regis Common Stock acquired by St. Regis in this transaction will be held in the St. Regis treasury. Therefore, Eastern represents that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of any person concerned.

Eastern further represents that pursuant to authorization of the stockholders given at the annual meeting held on April 14, 1954, Eastern amended its investment policy to provide that it is not the policy of Eastern to retain its investment in the Common Stock of St. Regis as a permanent investment, but rather it is the policy to sell, exchange or make other disposition of all or any part of this investment as the Board of Directors may determine from time to time. Eastern represents, therefore, that the proposed transaction is consistent with its policy as recited in its registration statement and reports filed under the Act.

Eastern states that all holders of Eastern Common Stock will be treated on the same basis; objecting shareholders have the right to demand and receive payment of an amount equal to the value of their stock; and in the judgment of the directors of Eastern, the terms and conditions of the transaction do not unfairly discriminate against any holders of Eastern Common Stock or against Eastern or against St. Regis, and consequently, Eastern represents that its participation is on the same basis and is as advantageous as that of the other participants and the proposed transaction would not be inconsistent with the provisions, policies and general purposes of the Act.

Notice is further given that any interested person may, not later than June 9, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the 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 Eastern 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. 69-6607; Filed, June 4, 1969;
8:47 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 30, 1969, through June 8, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6608; Filed, June 4, 1969;
8:47 a.m.]

[812-2447]

FIRST MISSOURI DEVELOPMENT FINANCE CORP.

Notice of Filing of Application for Order Declaring Company Exempt

MAY 29, 1969.

Notice is hereby given that First Missouri Development Finance Corp. ("Applicant"), 302 Adams Street, Jefferson City, Mo., a corporation organized under the laws of the State of Missouri authorizing and governing the organization and operation of development finance corporations, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that its primary function is to supply needed capital to Missouri businesses unable to obtain capital from conventional lending sources and that its primary motive is the industrial and commercial development and expansion of Missouri. Applicant will do business only in Missouri and only with companies doing or proposing to do business in Missouri, although some of the companies may be non-Missouri corporations and also doing business outside of Missouri.

It is represented that investments made by Applicant in the form of loans will be passed on by a loan review committee made up of the members of the executive committee of the board of directors of Applicant. The executive committee shall have not less than five (5) nor more than nine (9) members, all of whom shall be members of Applicant's board of directors. Loans may be made to any business which can demonstrate to the satisfaction of Applicant that said business has a satisfactory credit rating, an adequate financial structure to justify the loan (other than sufficient primary collateral), a capable management, adequate facilities, a reasonably promising market for its products, and inadequate primary collateral to obtain a loan in the desired amount from a more conventional financial institution.

Applicant's authorized capital consists of ten thousand (10,000) shares of capital stock, no par value, all of which Applicant proposes to offer for sale only to resident persons and to resident companies doing business in Missouri at a price of One Hundred (\$100.00) Dollars per share. No commissions, compensation, or expenses will be paid to anyone in connection with the sale of these securities. Applicant represents that it will limit the offering to established businesses and corporations which are sophisticated in securities matters and to successful businessmen and others capable of understanding and assuming the risks involved. Purchasers of Applicant's stock will be required to give written representations that they are acquiring the stock with the intention of retaining it and not with the intention of reselling it or with a view to public distribution.

In addition to equity capital, Applicant will rely for funds available for lending upon loans made from banks, trust companies, and insurance and surety companies which have become members of Applicant, thereby agreeing to lend a small percentage of their capital assets to Applicant upon call. Applicant expects to pay interest on loans from members at a rate, to be fixed at the time of each call, equal to the prime-interest rate in St. Louis, Mo., plus one-quarter of one percent (0.25%). Each call for loan money will be prorated among the members in the same proportion that the adjusted loan limit of the members bears to the aggregate of the adjusted loan limits of all members at the time. Applicant has determined that it will not commence business until at least 2,500 shares of stock are sold and applications for membership have been received from financial institutions having an aggregate lending limit of at least \$2,500,000.

Applicant represents that membership will be limited to National and State banks and insurance and surety companies licensed to do business in Missouri and engaged primarily in lending or investing funds. Applicant further represents that its members will acquire notes issued to them by Applicant for investment and not with a view to public distribution.

Since Applicant will be engaged in the business of investing and since it proposes to acquire investment securities having a value exceeding 40 percent of its total assets, Applicant is an investment company within the definition of section 3(a)(3) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act. Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person 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.

Applicant states that it was formed to accomplish the public purposes of the Missouri Development Finance Corporations Act which are to assist and encourage the development and advancement of the business prosperity and economic welfare of the State, to assist and encourage the location of new industries in the State, and to provide for maximum opportunities for employment, and to these ends to establish a source of credit not otherwise available for the promotion, development, and conduct of expanded business activities in the State of Missouri. Applicant further states that neither it nor the holders of its securities are or will be motivated primarily by the prospects of possible profits of Applicant but by the purposes set forth in the Missouri Development Finance Corporations Act. Applicant also states that it is subject to examination by the Commissioner of Finance, the Administrative Officer of Missouri charged with chartering, supervision, and examination of banks and other financial institutions, and that the corporation is required to make reports of its condition to the Commissioner of Finance not less frequently than annually and is required to furnish such information as may from time to time be required by the Commissioner of Finance. Applicant states that in view of the foregoing factors registration is not necessary to accomplish the purpose of the Act and that Applicant should be granted an exemption pursuant to section 6(c) of the Act.

Notice is hereby given that any interested person may, not later than June 18, 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 Applicant. 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] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 69-6609; Filed, June 4, 1969;
8:47 a.m.]

[File No. 24D-2821]

GENERAL RESOURCES

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

MAY 26, 1969.

I. General Resources (issuer), 4092 South State Street, Salt Lake City, Utah, a Utah corporation with offices located at Salt Lake City, Utah, filed with this Commission on December 11, 1968, a notification on Form 1-A and an offering circular relating to a proposed offering of 5 million shares of common stock at 1 cent per share for an aggregate of \$50,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not compiled with, in that:

1. The Form 1-A filed on behalf of the issuer fails to disclose Curtis Minerals as an affiliate and predecessor of the issuer;

2. The Form 1-A fails to disclose sales of unregistered securities by the issuer's affiliates within one year prior to the filing of the Form 1-A and present and proposed offerings of securities by affiliates;

3. The offering circular filed on behalf of the issuer fails to disclose that net cash proceeds of the offering were to be used, in significant part, to repay a loan incurred in the acquisition of shares of stock of an affiliate of the issuer;

4. The offering circular fails to disclose all material transactions within the past 2 years between the issuer and persons affiliated with and controlling the issuer;

5. The offering circular fails to include accurate and adequate financial statements of the issuer.

B. The offering circular as filed contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose the names of certain promoters and affiliates of the issuer;

2. The failure to disclose accurately the assets and liabilities of the issuer;

3. The failure to disclose certain material transactions between the issuer and its promoters and affiliates;

4. The failure to set forth accurately the use to which proceeds of the offering would be applied.

C. The offering would have been made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

Accordingly, it is ordered, That the Regulation A exemption of General Resources be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 69-6610; Filed, June 4, 1969;
8:47 a.m.]

[File No. 24D-2811]

MONTE CRISTO CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 14, 1969.

I. Monte Cristo Corp. (issuer), a Nevada corporation, with offices located at 1102 Continental Bank Building, Salt Lake City, Utah, filed with this Commission on October 23, 1968, a notification and offering circular relating to a proposed offering of 300,000

shares of its \$0.10 par value common stock at \$1 per share, for an aggregate of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provision of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe, from information reported to it by the staff, that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose that David K. Tanner would participate in the offer and sale of the issuer's stock;

2. The failure to disclose that David K. Tanner would be paid a commission of \$0.10 per share for each share of the issuer's stock he sold;

3. The representation that Richard Minasian would be responsible for the sale of the issue and would undertake to sell the issue personally; and

4. The representation that the officers and directors of the issuer would undertake to sell the securities directly to the public and they would not receive a commission for the sale of the shares.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The name and address of each underwriter and the amount of participation by each such underwriter is not disclosed as required by Item 5 of Schedule I;

2. In response to subitem (b) of Item 6 of the Form 1-A notification the issuer made an untrue statement of material fact when it stated that none of the persons specified in paragraph (d) of Rule 252 is subject to any order, judgment, or decree specified in subparagraph (2) thereof; and

3. In response to subitem (b) of Item 6 of the Form 1-A notification the issuer failed to disclose that David K. Tanner was preliminarily enjoined by the U.S. District Court in Salt Lake City, Utah, on October 25, 1968, from further violating section 10(b) of the Securities Exchange Act and Rule 10b-5 thereunder.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, for the reasons described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,

Secretary.

[P.R. Doc. 69-6611; Filed, June 4, 1969; 8:47 a.m.]

[812-2488]

NARRAGANSETT CAPITAL CORP.

Notice of Filing of Application for Exemption

MAY 29, 1969.

Notice is hereby given that Narragansett Capital Corp. ("Narragansett"), 10 Dorrance Street, Providence, R.I. 02903, a Rhode Island corporation, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act to exempt from section 17(a) of the Act the acquisition of Casper Corp. ("Casper") by Bevis Industries, Inc. ("Bevis"), and the merger of George Comtois Associates, Inc. ("Comtois"), with and into Bevis; and for an order under Rule 17d-1 approving such acquisition and merger on the terms and conditions hereinafter described. The application also seeks an order under Rule 17d-1 of the Act approving the purchase by certain affiliated persons of Narragansett of stock of Bevis.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Background. Narragansett owns approximately 79 percent of the outstanding common stock of Bevis and 50 percent of the outstanding common stock of Casper. Casper owns 80 percent and Narragansett owns 20 percent of the outstanding common stock of Comtois. On January 16, 1969, the board of directors of Bevis unanimously approved an Agreement and Plan of Reorganization

between Bevis and Casper ("Reorganization Agreement") providing for the acquisition by Bevis of substantially all of the assets of Casper. At the same meeting an Agreement and Plan of Merger was approved between Comtois and Bevis under the terms of which Comtois would merge into Bevis.

Under the Reorganization Agreement Bevis will issue 712,500 shares of its common stock, plus an additional number of such shares, not to exceed 712,500, to be determined on the basis of earnings of Casper as a division of Bevis for the years 1968 through 1972, in exchange for the assets of Casper. The assets of Casper include 80 percent of the outstanding common stock of Comtois and stockholders of Bevis have been asked to approve the merger of Comtois into Bevis subsequent to the purchase of the assets of Casper, with Bevis being the surviving corporation. The outstanding shares of Comtois owned by Bevis will be canceled and the shares owned by Narragansett will be exchanged for 37,500 shares of Bevis common stock, plus an additional number of such shares, not to exceed 37,500 depending upon the future earnings of a new division consisting of Casper and Comtois.

A special meeting of Bevis stockholders is scheduled to be held in June 1969 to consider the above-described agreements, and other matters. The proxy material states that a majority of the outstanding voting securities, other than the shares owned by Narragansett, must approve the proposals. The application states that a majority of the outstanding common shares of Casper must approve the Reorganization Agreement. Narragansett and the other Casper stockholders have informed Bevis that they intend to vote in favor of approval of such agreement. Shareholders of Bevis will also be asked to approve a 1 for 5 "reverse split" of Bevis outstanding common stock. The reverse split will be effected only if Bevis' shareholders approve the Reorganization Agreement. The share amounts issuable under the Reorganization Agreement (as discussed above) are based upon the assumed consummation of such "reverse split".

The board of directors of Bevis, on January 16, 1969, voted unanimously to offer to the holders of its outstanding common stock, rights to subscribe for additional shares of its common stock from which it expects to raise \$3,750,000. Narragansett intends to distribute to its stockholders such rights issuable to it pursuant to the offering. Stockholders of Bevis and Narragansett will have the right to oversubscribe to the extent rights are not exercised by others.

Commission jurisdiction. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling any security to or purchasing any security from such registered investment company or any company controlled by any such registered investment company. The acquisition by Bevis of the Casper assets in exchange for stock, and the

merger of Comtois into Bevis, both involve transactions subject to the prohibitions of section 17(a) of the Act, unless exempted therefrom pursuant to section 17(b) of the Act.

The Commission, upon application pursuant to section 17(b), may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any persons concerned and that the proposed transactions are consistent with the policy of the registered investment company and the general purposes of the Act.

Since officers and directors of Narragansett are stockholders of Narragansett, the proposed offering and acquisition of the Bevis stock by them may be prohibited by section 17(d) of the Act and Rule 17d-1 thereunder. Taken together they provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Narragansett seeks an exemption to the extent necessary to permit affiliated persons to exercise the rights to purchase the Bevis stock. In addition, to the extent that section 17(d) may be applicable to the acquisition of Casper by Bevis and the subsequent merger of Comtois into Bevis, Narragansett seeks an exemption therefrom and from Rule 17d-1 thereunder.

The application states that as of January 1, 1969, of the 830,868 shares of outstanding stock of Narragansett, affiliated persons of Narragansett owned 212,964 shares constituting 27 percent of such stock. If all affiliated persons of Narragansett exercise their primary subscription privileges, such affiliated persons would own a total of 75,948 shares of the 1,732,504 shares of Bevis that would be outstanding after the proposed public offering, or 4.3 percent thereof. These figures do not take into account the issuance of a maximum of 750,000 shares which may be issued on the basis of earnings of the Casper Division of Bevis, nor any shares which may be purchased by affiliates pursuant to the additional subscription privileges.

Supporting statements. Narragansett states that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person. The valuation of the Casper assets was determined by negotia-

tion between the management and the boards of directors of the respective companies and has been reviewed independently of Narragansett by G. H. Walker & Co. ("Walker") and Blair & Co., Inc. ("Blair"), who were retained to represent the minority interests of Bevis and Casper, respectively. A partner of Walker is a director of Narragansett, Bevis, and Casper. A director of Bevis is an employee of Walker. As indicated above Narragansett owns 50 percent of the outstanding shares of common stock of Casper and 79 percent of the outstanding shares of Bevis. Bevis' management, in negotiating with Casper, took into account the factors noted in the reports of Blair and Walker, namely, earning power, tax consequences, and financial conditions. In the preparation of the reports, Comtois was presumed to have been merged into Casper prior to the acquisition of the Casper assets by Bevis. Both reports (which are included as exhibits to the application) concentrated on the relative contribution each partner would bring to the resulting company. Blair estimated Bevis' earnings before interest, taxes, and extraordinary items to be \$900,000 and in a range of \$430,000 to \$380,000 after interest payments. Walker considered Bevis' prospective "normal" earning power before interest and taxes to be in the area of \$925,000, or \$360,000 after interest payments. The reports placed the earning power of Casper at \$1 million to \$1,500,000 before taxes and extraordinary items. They placed substantial emphasis on Bevis' tax loss carryforward amounting to approximately \$5 million at December 31, 1967 which can be utilized during the next 4 years by the resulting company. Without the acquisition of the Casper assets it was estimated that Bevis' operations and earning power would enable Bevis to utilize only about \$1,500,000 of this carryforward in the 4 years remaining until final expiration in 1972.

The application states that from Narragansett's point of view, the acquisition will result in a pooling of the personnel, capital, organization strengths and experiences of the merging corporations, which should result in greater earning capacity through operating economies and also through provision of broader resources with which to support continued expansion and diversification for the resulting company. The acquisition and the public offering of the Bevis stock will reduce Narragansett's interest in the resulting company to approximately 49 percent, a reduction which, according to the application, the Small Business Administration has been recommending for some time in accordance with its general guidelines on the control of companies by small business investment companies. Narragansett represents that the proposed acquisition of Casper by Bevis and the merger of Comtois into Bevis are consistent with its investment policy and that the transactions are consistent with the general purposes of the Act. It also represents that the proposed transactions are an acquisition and a merger in which the stockholders of each acquired com-

pany will share on a pro rata basis and that, therefore, no stockholder or group of stockholders is being given special treatment.

With respect to the offering of the Bevis stock, the application asserts that affiliated persons of Narragansett should have the opportunity to subscribe for stock of Bevis on the same basis as other shareholders of Narragansett. To deny such right would discriminate against the affiliated persons merely because they are officers and directors.

Notice is further given that any interested person may, no later than June 17, 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 shall 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 Narragansett 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.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] NELYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6612; Filed, June 4, 1969;
8:47 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 30, 1969, through June 8, 1969, both dates inclusive.

By the Commission,

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 69-6613; Filed, June 4, 1969;
8:48 a.m.]

[812-2521]

**PRUDENTIAL INSURANCE COMPANY
OF AMERICA ET AL.**

**Notice of Application for Exemption
and for Approval of Offer of Ex-
change**

MAY 29, 1969.

In the matter of The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101; Prudential's Investment Plan Account; Prudential's Annuity Plan Account; Prudential's Annuity Plan Account-2; The Prudential Insurance Company of America, Financial Security Program Office, Post Office Box 2925, Phoenix, Ariz. 85039; Prudential's Gibraltar Fund, 3003 North Central Avenue, Phoenix, Ariz. 85039; (812-2521).

Notice is hereby given that the Prudential Insurance Company of America ("Prudential"); Prudential's Investment Plan Account ("IPA"), a separate account of Prudential registered as a unit investment trust which will issue systematic investment plan contracts to individuals not entitled to tax-deferral treatment under the Internal Revenue Code of 1954, as amended ("Code"), for their contributions under the contracts; Prudential's Annuity Plan Account ("APA"), a separate account of Prudential registered as a unit investment trust, which will issue variable annuity contracts to individuals not entitled to tax-deferral treatment under the Code for their contributions under the contracts; Prudential's Annuity Plan Account-2 ("APA-2"), a separate account of Prudential registered as a unit investment trust which will issue variable annuity contracts to individuals who are entitled to tax-deferral treatment under the Code for their contributions under the contracts; and Prudential's Gibraltar Fund ("Fund"), a registered open-end, diversified management investment company (hereinafter collectively "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of sections 12(d)(1), 15(b), 18(d), 22(d), 22(e), 26(a)(1), 26(a)(2), 26(a)(3), 27(a)(3), 27(c)(1), and 27(c)(2) of the Act. Applicants also seek approval of an offer of exchange under sections 11(a) and 11(c) of the Act.

Considerations received pursuant to the systematic investment plan contracts to be issued by IPA, and the variable annuity contracts to be issued by APA and APA-2 will be invested in shares of the Fund. The securities issued by IPA, APA, and APA-2 together with certain related insurance and fixed-dollar annuity contracts issued by Prudential, comprise the Prudential Financial Security Program ("Program"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Prudential alleges that it established the Program in order to provide variable annuity contracts which are not significantly disadvantageous for individuals who, although they initially purchase such contracts with retirement income as a principal objective, actually use the contracts as a conventional mutual fund security. Applicants assert that, to the extent practicable, the Program attempts to establish a system of charges that reflects the expenses incurred in providing the various investment and insurance features of the Program. In addition, the organization and operation of IPA and APA, and the securities issued by each of them, have been made separate and distinct so that IPA is taxed as a regulated investment company under Subchapter M of the Code and persons holding interests in IPA include distributions by IPA of income and capital gains as part of their taxable income. APA, however, is not a taxable entity under the Code; therefore, the income and capital gains attributable to the assets held in APA are taxable to Prudential under section 801(g) and the provisions of Part I of Subchapter L of the Code, and the annuity payments received by persons under variable annuity contracts issued by APA are taxable in accordance with the Provisions of section 72 of the Code. Similarly, APA-2 is not regarded as a separate taxable entity under the Code and it is treated in the same manner as APA for tax purposes.

Sections 11(a) and 11(c), in pertinent part, require prior Commission approval of an offer of exchange, irrespective of the basis of exchange, of securities of registered unit investment trusts. Prudential requests approval of the imposition of a sales charge, in accordance with the terms of the schedule set out in the application, on the purchase of a variable annuity contract issued by APA with the proceeds of the redemption of a systematic investment plan contract issued by IPA. Such sales charge will be lower than that charged upon any other purchases under APA contracts. The application states that the investment aspects of interests in IPA and APA are substantially identical because the underlying investment of both consists of shares of the Fund.

Prudential alleges that a qualified salesman must take the time to explain the annuity options to a planholder, and that it is necessary to compensate the salesman for such services. This is especially true, according to Prudential, if,

as will frequently be the case, the salesman who made the original sale is not associated with Applicants when the planholder reaches retirement age.

The sales load upon a payment of \$5,000 will be \$75, with reduced percentages applicable to purchases, on a cumulative basis, in excess of \$5,000. Applicants submit that these amounts which will be paid entirely to the salesman are fair and reasonable in light of the time and effort that will necessarily be expended by the salesman in connection with such purchases of variable annuity contracts. For the foregoing reasons, which are set forth more fully in the application, Applicants request approval of the proposed scale of sales charges applicable to purchases of variable annuity contracts issued by APA with the proceeds of the total or partial redemption of securities issued by IPA.

Section 12(d)(1) provides, in pertinent part, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered company will, as a result of that purchase own more than 3 percent of the outstanding voting securities of such other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such 3 percent restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

The securities issued by IPA, APA, and APA-2 may be deemed to be periodic payment plan certificates but such securities will not be issued pursuant to the terms of a trust indenture. The application alleges that the custodianship arrangements and the resolutions of Prudential's Board of Directors creating the various separate accounts, together with the New Jersey law applicable to Applicants, will afford the protections which section 26(a) of the Act was designed to provide.

Section 15(b) provides, in pertinent part, that no principal underwriter for a registered open-end investment company may offer for sale or sell any security of which such company is the issuer except pursuant to a written contract. Applicants have no present intention of offering shares of the Fund directly to the public. Accordingly, Applicants allege that there appears to be no function to be served by any underwriting contract since Prudential will not, in the future, purchase any fund shares itself nor will it sell any Fund shares, as agent for the Fund, to any person or other entity. All Fund shares will be sold directly to IPA, APA, and APA-2. Applicants request, therefore, an exemption from section 15(b) to the extent necessary to permit Prudential, if it is considered to be acting as principal underwriter for the Fund, to do so without entering into a written underwriting contract, so long as shares of the Fund are not offered directly to the public.

Section 18(d) requires every share of stock issued by a registered open-end

investment company to be voting stock. Currently, 10 shares of Class A Voting Common Stock and 499,990 shares of Class B Nonvoting Common Stock of the Fund have been issued and are outstanding. All of such stock is held by Prudential. New Jersey law authorizes a life insurance company to hold either more than 80 percent or less than 8 percent of the voting stock of another corporation of which the life insurance company alone has the power to vote; however, a life insurance company is prohibited from holding any percentage between 8 and 80 percent. Prior to the commencement of a public offering of the contracts under the Program, the Fund will be a wholly owned subsidiary of Prudential. Once the marketing of the contracts begins, Prudential's holdings of the voting stock will be reduced from 100 percent to less than 8 percent in a single or several related transactions.

Prudential proposes to hold the non-voting shares until they can be redeemed in a manner that would have no material effect upon the operation of the Fund. Prudential undertakes not to redeem any of these shares until the assets of the Fund are at least 50 million dollars and to effect such redemption over a period of several months.

Applicants request exemption from section 18(i) to permit no more than 499,990 shares of the Class B Nonvoting common stock of the Fund to remain outstanding and to be held, either directly by Prudential, or indirectly through one or more of the separate accounts in the Program, until such time as the assets of the Fund shall be more than 50 million dollars and for such further period of time, not to exceed 6 months, as may be needed to redeem said shares without disrupting or impairing the operations of the Fund.

Section 22(d) provides in relevant part that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a public offering price described in the prospectus. Prudential is principal underwriter for IPA, APA, and APA-2.

The contracts issued through IPA and APA provide that the sales charge made in connection with purchase payments arising from the application of interests under policies or contracts issued by Prudential will be 2 percent lower than the sales charge made in connection with other purchase payments. The sales load will thus be reduced from 8.5 percent to 6.5 percent on the first \$5,000 of purchase payments under IPA and from 6 percent to 4 percent on the first \$5,000 of purchase payments under APA, with a corresponding reduction of the lower sales charges made upon larger payments. This reduction is designed to take into account the fact that sales expenses in connection with purchases made with funds arising from interests in Prudential policies or contracts can be feasibly maintained at a lower level than sales expenses in connection with other purchases. Applicants request exemption from section 22(d) to permit them to

make this reduction in sales load as set forth in the IPA and APA contracts.

Applicants also request exemption from the provisions of section 22(d) in order that persons owning other "qualified Prudential contracts," as defined in the application, may exchange their interests in said contracts at no sales-load for interests in APA-2. The prospectus describing the contracts issued by APA-2 will include an offer to transfer to APA-2, the value of the interest of any persons under all of such qualified contracts without sales load, and to credit such person with the appropriate number of accumulation or annuity shares. Applicants state that it is feasible to effectuate transfers of interests under such other contracts to APA-2 without incurring any appreciable sales expenses, and no sales commissions will be paid on such transfers.

An exemption is also requested in order that beneficiaries of Planholders in APA-2 who die during the accumulation period may effect a variable annuity at no sales load. Applicants state that it would be unfair to charge beneficiaries a sales load to effect a variable annuity when no such charge would have been made had the Planholder lived and effected the annuity himself.

APA and APA-2 seek an exemption from section 22(d) in order that an investor purchasing a variable annuity contract issued by APA, or APA-2 without participation in an accumulation period, may elect to make either an immediate or a gradual investment in the applicable separate account over a 36 month period. Applicants assert that such exemption will afford investors an opportunity to "dollar-cost-average" their investment in annuity units over such period. No additional charge will be made in connection with such gradual conversion. Applicants state that an additional sales charge upon each monthly conversion would subject some buyers to a higher sales charge than others making the same gross purchase payment although sales expenses in connection with such purchases will be the same.

Applicants propose further to combine all purchase payments under APA-2 contracts made through the same administrative account with Prudential for purposes of calculating the applicable sales charge. Ordinarily each contractholder will make purchases through an individual administrative account. However, in some cases the same account may be used for several contractholders. For example, the accountholder may be an employer under an HR-10 plan permitting voluntary contributions by employees, and such contributions under the plan would all be made through the same account. Applicants request an exemption from section 22(d) to permit such grouping as is provided for in the APA-2 contract.

Applicants also request exemption from section 22(d), to the extent necessary, to permit the lower sales charges (see discussion of section 11(a) and 11(c), supra) to be made upon purchases under APA contracts with the proceeds

of redemptions under IPA contracts. This exemption will be necessary if the Commission approves the offer to exchange IPA for APA interests.

Another exemption from section 22(d) is requested to permit Applicants to calculate the sales charge made upon purchases under APA contracts, and under APA-2 contracts with no accumulation period, as a percentage of aggregate payments made under such contracts and under fixed-dollar annuity contracts offered as part of the Program. Applicants represent that the declining scale of sales charges will be applied based on the aggregated payments under the fixed-dollar and variable annuity contracts.

Applicants further request exemption from the provisions of section 22(d) to permit the contracts issued by APA and APA-2 to participate in the distribution of divisible surplus by Prudential. The combined sales, administrative and mortality expense for the contracts issued by such accounts will be determined annually. If the actual expenses exceed the amount previously deducted for such expenses, no additional deduction or charge will be made. As the actual experience under a contract becomes known, any excess or any portion thereof over the amount needed to pay and administer the remaining obligations under the contracts and to provide surplus adequate to meet contingencies may be returned to the contractholders in the form of distributions of divisible surplus of Prudential, as determined by its Board of Directors. There is no contractual commitment to make any such distribution.

Section 22(e), as here pertinent, provides that a registered investment company may not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption. Section 27(c)(1), as here pertinent, provides that it shall be unlawful for any registered investment company to issue any periodic payment plan certificate unless such certificate is a redeemable security. The securities issued by APA and APA-2 are periodic payment plan certificates.

The contracts issued by APA provide for annuity payments to begin upon a date selected by the contractholder and that a contract may not be canceled unless a request for cancellation in proper form is received at least 1 month prior to the initial payment date. Contracts issued by APA-2 provide for variable annuity payments to be effected upon request by the contractholder and for the initial payment to be made on the first day of the earliest calendar month that is at least 1 month after the day on which the request is received. A contract issued by APA-2 may not be canceled after the contractholder has given Prudential the instructions to commence annuity payments. The contracts issued by APA and APA-2 provide only for annuities for periods ascertainable by reference to the lifetime of an annuitant.

Applicants state that no annuity which is payable for a period that is determined by reference to the lifetime of an annuitant can be redeemable after payments to the annuitant have begun. Prudential can assume the risk of making payments until an annuitant's death only if it is assured that it may utilize part of the savings of annuitants who die sooner to make payments to annuitants who survive longer. For the foregoing reasons, Applicants request exemption from section 22(c) and from section 27(c)(1) to permit the contracts issued by APA and by APA-2, to be nonredeemable once cancellation of the contracts is no longer possible in accordance with their terms.

Section 26(a) and Section 27(c)(2), as here pertinent, provide that a unit investment trust or a depositor or underwriter for such an investment company is prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than sales charge are deposited with a qualified bank as trustee or custodian and held under an agreement of custodianship. The agreement must provide: (i) That the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust; (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor appointed; (iii) that the custodian may collect from income and, if necessary, from the corpus of the unit investment trust, fees for services performed and reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe for performing bookkeeping and other administrative services of a character normally performed by the custodian.

IPA, APA, and APA-2 are registered unit investment trusts established by resolutions of Prudential's Board of Directors and will issue periodic payment plan certificates. The resolutions establishing IPA include the provisions required by section 26(a) and 27(c)(2). Applicants represent that said resolutions constitute the instrument pursuant to which the securities of IPA are issued in compliance with the Act. The IPA contracts provide for certain custodial charges when a payment is made into IPA, as well as an annual custodial charge. There is also an annual percentage charge applied on a declining scale against the assets of the Account. These charges will be paid to Prudential for administrative services performed by it as the delegate of The Wilmington Trust Co., custodian for IPA, under a custodial agreement that will be entered into between the custodian and Prudential. Compensation of the custodian will be paid by Prudential pursuant to the terms of an agreement supplementary to the custodial agreement. The services and functions Prudential will perform for the Account that would normally be performed by the custodian are described more fully in the application.

Applicants request exemption from sections 26(a)(2) and 27(c)(2) to permit said charges to be deducted in connection with the systematic investment plan contracts issued by IPA in the manner described in the contracts and the custodian agreement.

The proposed method of operation for APA and APA-2 does not contemplate the use of any custodian. Purchase payments under the variable annuity contracts issued by APA and APA-2 will be transferred to the appropriate separate account and thereafter be administered by Prudential. A sufficient number of shares of the Fund will always be held in APA and APA-2 so that the total market value of the assets in APA and APA-2 will be at least equal to the reserve liability required by applicable law for all payments that Prudential is contractually obligated to make to participants in the respective separate accounts. All permissible charges are stated in the contracts and in the prospectus for APA and APA-2 and may not be changed with respect to outstanding participating interests in such accounts. Applicants state that Prudential is closely regulated by the Department of Banking and Insurance of the State of New Jersey and that such control adequately protects the interest of the contract purchasers and affords the essential protection which trusteeship or custodianship under section 26(a)(2) is designed to provide. Accordingly, Applicants request exemptions from sections 26(a) and from section 27(c)(2) to permit the proceeds of all payments under the variable contracts issued by APA and APA-2 to be held by Prudential and to permit the accounts to be administered directly by Prudential in the manner more fully described in the application and in the registration statements of the accounts.

As a condition to the granting of the requested order for exemptions from sections 26(a) and 27(c)(2) of the Act for IPA, APA, and APA-2, Applicants have consented:

(1) That the charges to variable annuity contract holders for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and

(2) That the payment of sums and charges out of the assets of the separate accounts shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 27(a)(3) provides that it is unlawful for any registered investment company issuing periodic payment plan certificates to sell any such certificate if the sales charges deducted from any one

of the first 12 monthly payments exceed proportionately the amount deducted from any other such payment or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

As previously noted, Applicants propose to calculate the sales charge upon purchases under APA contracts and under certain APA-2 contracts as a declining percentage of aggregate payments made under such contracts (and under fixed-dollar annuity contracts offered as part of the Program). Because a sales charge thus calculated does not depend on the time when any particular payment is made, but rather upon the aggregate amount of all purchase payments whenever they are made, Applicants request an exemption from section 27(a)(3) so as to permit them to make the sales charges upon the contracts mentioned above on the aggregated basis described briefly here and more fully in the application.

Applicants state that they are willing to have the Commission's order approving the offer of exchange pursuant to section 11, and granting the other requested exemptions remain effective only as long as there is no increase in the charges made in connection with IPA, APA, and the Fund, including the investment advisory fee paid by the Fund to Prudential, all as set forth in the respective registration statements for IPA, APA, and the Fund.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protections 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 18, 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 shall 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 Applicants at the addresses set forth 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 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 such matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

(SEAL) NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 69-6614; Filed, June 4, 1969;
8:48 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MAY 29, 1969.

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

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 2, 1969, through June 11, 1969, both dates inclusive.

By the Commission.

(SEAL) NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 69-6615; Filed, June 4, 1969;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1300]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

MAY 29, 1969.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rules, and shall include the certification required therein.

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

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

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

No. MC 2368 (Sub-No. 24), filed May 12, 1969. Applicant: BRALLEY-WILLETTS TANK LINES, INC., Post Office Box 495, 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: G. C. Kirkmyer, Jr., Post Office Box 495, Richmond, Va. 23204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* in bulk, in tank vehicles, from Richmond and Smithfield, Va., to points in Kentucky, Indiana, Ohio, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept

a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 171), filed May 1, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities requiring the use of special equipment), between New York, N.Y., and Jacksonville, Fla., from New York, N.Y., over Interstate Highway 95 to junction U.S. Highway 1 and Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 95 and U.S. Highway 301, thence over U.S. Highway 301 (also Interstate Highway 95 where completed) to Summerton, S.C., thence over U.S. Highway 15 (also over Interstate Highway 95 where completed) to Walterboro, S.C., thence over U.S. Alternate Highway 17 (also Interstate Highway 95 where completed) to Savannah, Ga., thence over U.S. Highway 17 (also Interstate Highway 95 where completed) to Jacksonville, Fla., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but serving junction U.S. Highway 360 and Interstate Highway 95, junction U.S. Highway 1 and Interstate Highway 95, and Rocky Mount, N.C. for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 2900 (Sub-No. 172), filed May 9, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and classes A and B explosives), serving the plantsite of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., as an off-route point in connection with carrier's regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., or Washington, D.C.

No. MC 15728 (Sub-No. 7), filed May 9, 1969. Applicant: AUTO PRODUCTS TRANSPORT, INC., 14840 Puritan, Detroit, Mich. 48227. Applicant's representative: William B. Elmer, 22644 Gratiot, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used wooden boxes, used wooden pallets, used wooden crates, and other used shipping containers, and materials and supplies* used in the repair and manufacture thereof, from points in Minnesota, Iowa, Missouri, Arkansas,

Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, West Virginia, Massachusetts, and the District of Columbia to points in Michigan and: (2) *reconditioned wooden boxes, reconditioned wooden pallets, reconditioned wooden crates, and other reconditioned wooden shipping containers* from points in Michigan to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Restriction: The operations specified herein shall be limited to a transportation service to be performed under a continuing contract or contracts with Auto Pallets-Boxes, Inc., of Detroit, Mich., and all shipments shall be either destined or shall originate at a plantsite or storage facility of Auto Pallets-Boxes, Inc. NOTE: Applicant states that it holds duplicating authority under its Sub-5, all such duplicating authority shall be eliminated if and when the instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Lansing, Mich.

No. MC 15728 (Sub-No. 8), filed May 9, 1969. Applicant: AUTO PRODUCTS TRANSPORT, INC., 14840 Puritan, Detroit, Mich. 48227. Applicant's representative: William B. Elmer, 22644 Gratlot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pallets, boxes, crates, and other containers* constructed of wood, from points in Michigan, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* used in the manufacture thereof, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Michigan, restricted to a transportation service to be performed under a continuing contract or contracts with Packing Material Co., Inc., and further restricted to shipments originating at or destined to plantsites or storage facilities of Packing Material Co., Inc. NOTE: The purpose of this application is to substitute Michigan for the named

points that are shown in the Sub 4 permit. If this application is granted, the Sub 4 permit will be canceled. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 18416 (Sub-No. 16), filed April 28, 1969. Applicant: CLAWGES TRANSPORT CO., a corporation, Post Office Box 2158, Morgantown, W. Va. 26505. Applicant's representative: Russell M. Clawges (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meat, meat products and meat byproducts and dairy products and articles distributed by meat packinghouses*, as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except such commodities in bulk), from Morgantown, W. Va., to points in Monongalia, Hancock, Barbour, Lewis, Brooke, Ohio, Marshall, Wetzel, Tyler, Doddridge, Pleasants, Ritchie, Wood, Upshur, Wirt, Calhoun, Gilmer, Braxton, Webster, and Tucker Counties, W. Va.; Washington, Monroe, Belmont, Jefferson, Columbiana, and Stark Counties, Ohio; Henrico County, Va.; and Fayette, Washington, Green, Westmoreland, Beaver, Allegheny, Lawrence, Armstrong, Clarion, Somerset, and Butler Counties, Pa. NOTE: Applicant states it intends to tack at the Morgantown Terminal with its presently held authority wherein it is authorized to conduct operations in the State of West Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22229 (Sub-No. 54), filed May 12, 1969. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Atlanta, Ga., from Memphis over U.S. Highway 72 to junction U.S. Highway 43 approximately 6 miles south of Florence, Ala., thence over alternate U.S. Highway 72 to Decatur, Ala., thence over Alabama Highway 67 to junction U.S. Highway 231 approximately 40 miles south of Huntsville, Ala., thence over U.S. Highway 231 to junction U.S. Highway 278 and thence over U.S. Highway 278 to Atlanta and return over the same route, as an alternate route for operating convenience only in connection with its presently authorized regular-route authority and serving no intermediate points. NOTE: Applicant states it is presently authorized to transport the above-described commodities between Memphis, Tenn., and Atlanta, Ga., under its certificate of public convenience and necessity issued in MC 22229 Sub-No. 51 authorizing service between Nashville, Tenn., and Memphis, Tenn., and Sub No.

46 authorizing service between Nashville, Tenn., and Atlanta, Ga. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Memphis, Tenn.

No. MC 29392 (Sub-No. 13), filed May 9, 1969. Applicant: LES JOHNSON CARTAGE, a corporation, Post Office Box 305, Denmark, Wis. 54208. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Manitowoc, Wis., to points in Missouri, Ohio, Kentucky, Kansas, and Nebraska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 29553 (Sub-No. 8) (Correction), filed April 11, 1969, published in FEDERAL REGISTER issue of May 8, 1969, and republished as corrected this issue. Applicant: LAMBERT'S EXPRESS, INC., 1000 South Fourth Street, Harrison, N.J. 07029. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen sinks, and household and electrical appliances*, from Edison Township, N.J., to Newark, N.J., and returned shipments on return. NOTE: Applicant states it proposes to join the authority sought at Newark, N.J., with its Subs 3 and 5 certificates providing through service to points in Suffolk, Nassau, Westchester, Dutchess, Orange, Rockland, Ulster, Sullivan, and Putnam Counties, N.Y., and Hartford, New Haven, and Fairfield Counties, Conn. The purpose of this republication is to show counties listed in "NOTE" above to be located in New York, in lieu of New Hampshire. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 29566 (Sub-No. 133), filed May 14, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Arkansas, Illinois, Kansas, Missouri, and Oklahoma. NOTE: Common control may be involved. Applicant states he could tack Direct Transports, Inc., authority from Omaha and Council Bluffs, Iowa, to St. Joseph, Mo., and thence their own route to all points in the States named in this application, except the southern half of

Missouri. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 32882 (Sub-No. 45), filed May 12, 1969. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving on Government bills of lading or on commercial bills of lading containing an endorsement approved in *Interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, Inc.* 322 I.C.C. 161, 164, 165, between points in Oregon, Washington, Idaho, California, that part of Montana on and west of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the boundary of the United States and Canada, and that part of Nevada on and west of U.S. Highway 95. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 42487 (Sub-No. 719), filed May 9, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites and facilities of Eastman Kodak Co. at or near Windsor, Colo., as off-route points in connection with applicant's authorized regular-route operations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 45021 (Sub-No. 5), filed May 14, 1969. Applicant: SPEEDY TRUCKING CO., INC., Taft Road, Totowa, N.J. Applicant's representative: Morton E. Klel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery houses (except in bulk), between Totowa Borough (Passaic County), N.J., on the one hand, and, on the other, points in Delaware, Connecticut, Rhode Island, Massachusetts, New York, and Pennsylvania under contract with Filigree Foods, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 136), filed May 15, 1969. Applicant: SCHNEIDER

TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of the U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52953 (Sub-No. 36), filed May 9, 1969. Applicant: ET&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: James H. Epps III, 2101 North Roan Street, Johnson City, Tenn. 37601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, commodities requiring special equipment and those injurious or contaminating to other lading), from the plantsite of U.S. Plywood-Champion Papers, Inc. (near Courtland, Ala.), over county road No. 29 to Courtland, Ala., thence over U.S. Highway Alternate 72 to junction U.S. Highway 72 (near Florence, Ala.), thence over U.S. Highway 72 to Florence, Ala., and return over the same route, serving the intermediate point of Courtland, Ala. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Florence, Ala., or Washington, D.C.

No. MC 58902 (Sub-No. 14), filed May 12, 1969. Applicant: MANLEY TRANSFER COMPANY, INC., 1410 Inter-city Trafficway, Kansas City, Mo. 64105. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Parsons, Kans., to points in Missouri, Arkansas, and Oklahoma. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 59457 (Sub-No. 16), filed May 12, 1969. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine parts, magazine inserts, and mats, molds, plates, shells, and vinylites* used in connection with the printing of magazines, between Old Saybrook, Conn., on the one hand, and, on the other, Albany, N.Y. **NOTE:** Common control may be involved. Applicant

states it does not intend to tack, and apparently will accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 69833 (Sub-No. 97), filed May 14, 1969. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Detroit and Port Huron, Mich., over Interstate Highway 94, as an alternate route for operating convenience only, serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 73688 (Sub-No. 33), filed May 12, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orinda Avenue, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper and paper products*, from Port St. Joe, Fla., to Birmingham, Ala., and Memphis, Tenn. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 82841 (Sub-No. 57), filed May 5, 1969. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and other forest products*, (1) from points in Wyoming to points in Iowa, Indiana, Wisconsin, in South Dakota, Minnesota, Illinois, Michigan, Kansas, and Missouri; (2) from points in Colorado to points in South Dakota, Minnesota, Illinois, Michigan, Kansas, Missouri, and Ohio; (3) from points in Fergus and Musselshell Counties, Mont., to points in Wyoming, Colorado, Nebraska, Iowa, Illinois, Wisconsin, and Indiana. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 83539 (Sub-No. 248), filed May 14, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth

Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Glasgow, Mo., and Leavenworth, Kans., to points in the United States (except Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 83539 (Sub-No. 250), filed May 16, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement asbestos products, conduit or pipe and fittings and accessories* necessary to the installation thereof; *plastic pipe, fittings and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in the United States (except Alaska, Connecticut, Hawaii, Idaho, Maine, Massachusetts, Nevada, New York, Oregon, Rhode Island, and Washington). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tulsa, Okla.

No. MC 83539 (Sub-No. 251), filed May 19, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, accessories, attachments and parts*, when moving in connection therewith, from Wilbur, Oreg., to points in California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Portland, Oreg.

No. MC 85465 (Sub-No. 18) (Clarification), filed April 21, 1969, published FEDERAL REGISTER issue of May 8, 1969, and republished as clarified this issue. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh hams*, (a)

from points in Indiana, Ohio, and Minnesota (except Austin), to Scottsbluff, Nebr., restricted to traffic originating at points in named States and destined to Scottsbluff; (b) from Scottsbluff, Nebr., to Delphos, Ohio, restricted to traffic originating at Scottsbluff, and destined to Delphos, Ohio. NOTE: Applicant states that no duplicating authority is being sought. Common control may be involved. The purpose of this republication is to clarify the origin and destination points involved herein. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 95540 (Sub-No. 744), filed May 19, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in Arkansas, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104149 (Sub-No. 184), filed May 15, 1969. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. 35201. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduit, and pipe, and fittings and accessories* necessary to the installation thereof; *plastic pipe fittings and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 107012 (Sub-No. 95), filed May 12, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell, Post Office Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and organs, and piano and organ benches and accessories*, from De Queen, Conway, and Fayetteville, Ark., and Greenwood, Miss., to points in the United States (except Alaska and Hawaii); and *returned shipments* of the above commodities, on return. NOTE: Applicant states it does not intend to tack, and is

apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 107295 (Sub-No. 197), filed May 15, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe and sewer pipe fittings, bituminized fiber; conduit and conduit connections, bituminized fiber, and meter boxes, bituminized fiber*, from Louisiana, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, except Missouri. NOTE: Applicant states it intends to tack with its MC 107295, where feasible. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 585) (Amendment), filed March 26, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, amended, and republished this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils, and products* thereof, in bulk, from the plantsite of Central Soya Co., Inc., at or near Decatur, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Rhode Island, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and Maine (except Aroostook County); and (2) *materials and supplies* used or useful in the manufacture and preparation of vegetable oils and products thereof, in bulk, from the plantsites of Central Soya Co., Inc., at or near Bellevue, Delphos, and Marion, Ohio; Chicago and Gibson City, Ill.; Chattanooga, Tenn.; and Belmond, Iowa; to Decatur, Ind. NOTE: The purpose of this republication is to broaden the scope of authority sought. Applicant states it can tack at Chicago, Ill., and Cudahy, Wis., to serve additional destination States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 110633 (Sub-No. 58), filed May 8, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerney, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular

routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Boone, Fayette, Kanawha, Lincoln, Logan, McDowell, Mercer, Putnam, Raleigh, and Wyoming Counties, W. Va., as off-route points in connection with certain of applicant's existing regular-routes in West Virginia. **NOTE:** The regular-route authority to which the off-route authority herein sought would be pertinent is as follows: Between Huntington, W. Va., and Beckley, W. Va., serving all intermediate points and the off-route points of Chelyan, Cabin Creek, Pratt, Handley, Eskdale, Decota, Carbon, Powellton, Kimberly, MacDunn, Ward, Drybranch, Acme, Kayford, Garrison, Burnwell, Mahan, Milburn, East Bank, Marmet, Ingram Branch, Reed, Montgomery, Lochgelly, Summerlee, Carlisle, Red Star, Concho, Minden, Blue Jay, Mabscott, Killarney, Bolt, Kilsyth, McDonald, Whipple, McComas, Long Branch, West Raleigh, Scarbro, Matoaka, Harvey, Stanaford, Ameagle, Colcord, Dorothy, Comfort, Crab Orchard, Pemberton, Sophia, Ury, Tams, Lillybrook, Lego, Rhodell, Iroquois, Corinne, Mullens, Glen White, Cooper, Helen, Maybeury, Glen Hedrick, Amigo, Lanark, Stotesbury, Winding Gulf, Glen Morgan, Coal City, Slab Fork, and Lester, W. Va., from Huntington over U.S. Highway 60 via Charleston, W. Va., to junction U.S. Highway 19, thence over U.S. Highway 19 to Beckley (also from Charleston, W. Va., over U.S. Highway 119 to Racine, W. Va., and thence over West Virginia Highway 3 to Beckley), and return over the same route. Applicant states that the principal effects of approval of the instant application will be (1) to substitute county-wide authority for specific off-route point authorities presently held in connection with applicant's regular-route between Huntington and Beckley, W. Va.; and (2) to add Lincoln, Logan, and Putnam Counties, W. Va., as off-route territory in connection with traffic moving to, from, or through Ohio. Applicant further states that as a condition to approval it agrees (a) to cancellation of the specified off-route points appurtenant to its existing routes between Huntington and Beckley, W. Va.; and (b) to a provision stating that any authority granted to the extent it duplicates existing authority shall not be construed as conferring more than one operating right. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 165), filed May 12, 1969. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: B. J. Wiseman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, asbestos products, conduits or pipe and fittings and accessories necessary to the installation thereof; plastic pipe, fittings, and accessories necessary*

to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma, Tennessee, and Texas. **NOTE:** Applicant indicates tacking possibilities with portions of its authority in MC 111231 and subs thereto wherein as here pertinent it conducts operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 111729 (Sub-No. 284), filed May 12, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radio-pharmaceuticals, radioactive drugs, and medical isotopes*, between Los Angeles Airport, San Diego Airport, and San Francisco Airport, Calif., on the one hand, and, on the other, points in California, restricted to traffic having an immediately prior or subsequent movement by air; and (2) *blood specimens and urine specimens*; (a) between points in Indiana; and (b) between points in Kentucky, restricted to traffic having an immediately prior or subsequent movement by air. **NOTE:** Applicant states it intends to tack the sought authority with its presently authorized common carrier authority. Applicant holds contract carrier authority under MC 112750 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 259), filed May 15, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: L. A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from West Memphis, Ark., and Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, South Carolina, Tennessee (except Kingsport and Elizabethton), Texas, Virginia, and Wisconsin. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 112822 (Sub-No. 112), filed April 30, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and*

petroleum products, in packages and containers, from Kansas City, Kans.-Mo., to points in California, North Dakota, South Dakota (except Rapid City), Billings, Mont., and points within 50 miles thereof, Seattle, Yakima, and Tacoma, Wash., and points in Nebraska east of U.S. Highway 183; (2) (a) *petroleum products*, in containers; and (b) *advertising matter and commodities* used or distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products, mixed with petroleum products, from Enid, Okla., to points in California, Nevada, Oregon, and Washington; and (3) *petroleum and petroleum products*, in packages and containers, from Wichita, Kans., to points in Georgia. **NOTE:** Applicant states it presently holds authority from Houston, Tex., to Kansas and Missouri, and from certain Oklahoma and Kansas origins from which it could tack through Enid, Okla., or Kansas City. Applicant further states it is presently serving much of the destination area sought through gateways. Part of the intent of this application is to eliminate gateways. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo., Tulsa or Oklahoma City, Okla.

No. MC 112989 (Sub-No. 14), filed May 14, 1969. Applicant: JOHNSON TRUCK SERVICE, INC., Post Office Box 668, Coos Bay, Ore. 97420. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash, blood extender, and glue ingredients*, in sacks; *steel strapping*, in rolls, from points in Alameda, Contra Costa, Marin, Monterey, Santa Clara, San Mateo, Sonoma, San Francisco, Kern, and San Bernardino Counties, Calif. to points in Coos, Curry, Linn, Josephine, and Douglas Counties, Ore., and Mapleton and Springfield, Ore. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 113855 (Sub-No. 198), filed May 16, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special purpose vehicles and special purpose trailers* (except automobiles, trucks, and trailers equipped with fifth wheel couplers) and *parts and attachments* for such vehicles and trailers, from points in Fresno County, Calif., to points in the United States (except Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114273 (Sub-No. 34) (Amendment), filed December 13, 1968, published

FEDERAL REGISTER issue of January 3, 1969, amended and republished as amended this issue. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski, Post Office Box 68, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides, and commodities in bulk, from Ottumwa, Iowa, to points in Michigan, Ohio, New York, and Pennsylvania, restricted to traffic originating at the above named origin. NOTE: The purpose of this republication is to broaden the commodity description, by adding "dairy products," and reference to section C to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 58), filed May 19, 1969. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed*, in bulk, from Manheim, Pa., and Albany, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114848 (Sub-No. 46), filed May 12, 1969. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from West Memphis, Ark., to points in Mississippi, Tennessee, Alabama, Kentucky, and Georgia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Kansas City, Mo.

No. MC 114885 (Sub-No. 15), filed May 16, 1969. Applicant: TANK TRUCK TRANSPORT, LIMITED, 610 Dixon Road, Rexdale, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Anhydrous ammonia, in bulk, in tank vehicles, between ports of entry on the international boundary line between the United States and Canada located on the St. Clair River, and points in Michigan, Ohio, and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., Washington, D.C., or Detroit, Mich.

No. MC 114912 (Sub-No. 21), filed May 14, 1969. Applicant: CHARLES J. KOTWICA, doing business as ROME EXPRESS, Erie Boulevard West, Rome, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laundry machinery, and supplies*, from Syracuse, N.Y., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, Ohio, South Carolina, Tennessee, Vermont, and West Virginia, under contract with G. A. Braun, Inc. NOTE: Applicant holds common carrier authority under Docket No. MC 92688, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y., or Washington, D.C.

No. MC 117639 (Sub-No. 4), filed May 14, 1969. Applicant: JACK S. OCHSNER, doing business as PICK'S PACK HAULER, 1714 West Fifth Street, Hastings, Nebr. 68901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, and glazed brick, and glazed tile*, from Denver, Colo., to points in Nebraska and Iowa, under contract with Dale Funk Lumbermen's Brick and Supply Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117686 (Sub-No. 98), filed May 16, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by National Beef Co. at/or near Liberal, Kans., to points in Louisiana, Alabama, Mississippi, Arkansas, Tennessee, Minnesota, and Georgia, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117765 (Sub-No. 81), filed May 13, 1969. Applicant: HAHN TRUCK LINE, 5315 Northwest Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagen (same ad-

dress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated and non-carbonated (nonalcoholic) in containers*, (1) from Denver, Colo., to points in Kansas, New Mexico, Oklahoma, and that part of Texas on and west of U.S. Highways 83 and 277; (2) from Kansas City, Mo. (commercial zone), to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas; and (3) from St. Louis, Mo., to points in Arkansas, Kansas, Louisiana, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 147), filed May 9, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1415 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 118959 (Sub-No. 43), filed May 19, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: John E. Lesew, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum building materials (except in bulk) and materials and accessories used in the installation thereof*, from Port Clinton, Ohio, to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Missouri, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 119441 (Sub-No. 17), filed May 12, 1969. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products (except earthenware, stoneware, pottery and*

chinaware, and commodities in bulk); (a) from points in Perry County, Ohio, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and (b) from the plantsite of the Belden Brick Co. near Port Washington, Ohio, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, that part of Pennsylvania east of U.S. Highway 15, Rhode Island, Vermont, and Virginia; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of clay products, from the destination States described in (1) (a) above to points in Perry County, Ohio, and to the plantsite of the Belden Co. near Washington, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119531 (Sub-No. 115) (Correction), filed April 16, 1969, published in FEDERAL REGISTER issue of May 15, 1969, corrected May 17, 1969, and republished as corrected, this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Eaton, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant states that tacking would take place in conjunction with its Sub 7, at Cleveland, Ohio, to serve points in New York and Pennsylvania. The purpose of this republication is to show the correct spelling of origin point as *Eaton, Ind.*, in lieu of *Easton* which was erroneously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119657 (Sub-No. 6), filed May 16, 1969. Applicant: GEORGE TRANSIT LINE, INC., 760-764 Northeast 47th Place, Des Moines, Iowa 50313. Applicant's representative: Richard A. Miller, 212 Equitable Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 119741 (Sub-No. 30), filed May 9, 1969. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L.

Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zones, to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, New Jersey, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119777 (Sub-No. 151), filed May 14, 1969. Applicant: LIGON SPECIALIZED HAULERS, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Nashville, Tenn., to points in Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Georgia, South Carolina, North Carolina, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant has contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119872 (Sub-No. 6), filed May 14, 1969. Applicant: GULF TRANSPORT, LIMITED, 61 St. Peters Road, Charlottetown, Prince Edward Island, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and meat byproducts*, from ports of entry on the international boundary line between the United States and Canada located in Maine, to points in Maine, Massachusetts, New York, and New Jersey. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 120800 (Sub-No. 18), filed May 14, 1969. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities* (except asphalts, lubricating oils and greases, automotive fuels, or aircraft fuels and cryogenic liquids), between points in California.

NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125760 (Sub-No. 5), filed May 15, 1969. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Pa. 16323. Applicant's representative: John E. McFate, 229 Elm Street, Oil City, Pa. 16301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, such as chocolate milk, oleo-margarine, cottage cheese, cottage cheese products, cream cheese products, fruit and water beverages, milk, buttermilk, cream and other products normally sold on wholesale and retail dairy routes when moving in mixed shipment with the aforementioned dairy products, from Cleveland, Ohio, to points in Erie County, Pa., under a contract with The Great Atlantic & Pacific Tea Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Erie, Pa.

No. MC 126603 (Sub-No. 4), filed May 8, 1969. Applicant: R. MENARD TRANSPORT LTD., a corporation, St. Philippe, County of La Prairie, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber and rough lumber*, from the ports of entry located on the United States-Canada boundary line, at or near Champlain, N.Y., to points in Virginia, West Virginia, North Carolina, South Carolina, and New Hampshire. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 129002 (Sub-No. 1), filed May 16, 1969. Applicant: M. G. M. TRUCKING CORP., 40 West 225th Street, Bronx, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel office furniture and equipment*, from points in the Borough of the Bronx, N.Y., to points in West Virginia, Ohio, Indiana, Illinois, and Missouri; and (2) *such commodities as are used in the manufacture of steel office furniture and equipment*, from points in West Virginia, Ohio, Indiana, Illinois, and Missouri, to the premises of Art Steel Co., Inc., in the Borough of the Bronx, New York, N.Y., under a continuing contract or contracts with Art Steel Co., Inc., of the Borough of the Bronx, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129307 (Sub-No. 17), filed May 12, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representatives: William C. Harris (same address as applicant), and Jack H. Blanshan, 29 South

La Salle Street, Chicago, Ill. 60673. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, New Jersey, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. **NOTE:** Applicant holds contract carrier authority under Docket No. MC 119394, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133035 (Sub-No. 10), filed May 14, 1969. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin, and Illinois. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 133114 (Sub-No. 2), filed May 9, 1969. Applicant: UNITED TOWING SERVICE, 8955 Atlantic Avenue, South Gate, Calif. 90280. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* (except passenger automobiles or trailers designed to be drawn by passenger vehicles), and *replacement vehicles* for wrecked or disabled motor vehicles, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Arizona, Nevada, New Mexico, Utah, Colorado, and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133251 (Sub-No. 1), filed May 19, 1969. Applicant: DONALD M. NICOLAI, doing business as NICOLAI VAN & STORAGE, 329 Couch Street, Vallejo, Calif. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Used household goods*, between points in Solano, Yolo, Napa, Marin, Lake, Alameda, Contra Costa Counties, and San Francisco, Calif. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 133326 (Sub-No. 1), filed May 15, 1969. Applicant: DIVERSIFIED AUTO FREIGHT, INC., Post Office Box 3045, Lake Charles, La. 70601. Applicant's representative: G. M. Rebman, 1230 Boatman's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles* (Volkswagens), from Lake Charles, La., to points in Arkansas, Iowa, Kansas, Missouri, and Nebraska, under a continuing contract with Volkswagen Mid-America Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133427 (Sub-No. 1), filed May 15, 1969. Applicant: HAUPERT REFRIGERATED LINES, INC., Woodbury Building, Marshalltown, Iowa 50158. Applicant's representative: Wendell E. Hauptert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Marshall, Macon, Milan, and Moberly, Mo., to points in Indiana, Michigan, and Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133665, filed April 16, 1969. Applicant: LES HUSKEY TRUCKING, INC., 6044 South Steele Street, Littleton, Colo. 80120. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, between Sterling, Colo., and points in Massachusetts, Kansas, Missouri, Connecticut, District of Columbia, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, Kentucky, Georgia, Utah, Arizona, California, Nevada, Oregon, and Washington, under contract with Sterling Colorado Beef Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133731, filed May 7, 1969. Applicant: BERNARD'S WAREHOUSE & TRUCKING CO., INC., 161 Gardner Avenue, Brooklyn, N.Y. 11237. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper towels, paper napkins, and toilet tissue*, from points in the New York, N.Y., commercial zone to points in Westchester, Nassau, and Suffolk Counties, N.Y., and Morris, Essex, Bergen, Hudson, Mid-

dlesex, Ocean, Sussex, Warren, Hunterdon, Passaic, Union, Somerset, Mercer, and Monmouth Counties, N.J., under contract with APW Products, Division of Concel, Inc., (2) *Wheeled riding toys such as tricycles, bicycles, wagons, pedaled carts, airplanes, boats, trucks*, from points in the New York, N.Y., commercial zone to points in Westchester, Nassau, and Suffolk Counties, N.Y., and Morris, Essex, Bergen, Hudson, Middlesex, Ocean, Sussex, Warren, Hunterdon, Passaic, Union, Somerset, Mercer, and Monmouth Counties, N.J., under contract with Jack & Murray Levene Co., Inc., (3) *bicycles*, from points in the New York, N.Y., commercial zone to points in Westchester, Nassau, and Suffolk Counties, N.Y., and Bergen and Passaic Counties, N.J., under contract with The Columbia Manufacturing Co., and (4) *coin operated laundry and drying equipment*, (a) from points in the New York, N.Y., commercial zones to points in Westchester, Nassau, and Suffolk Counties, N.Y., and Morris, Essex, Bergen, Hudson, Middlesex, Ocean, Sussex, Warren, Hunterdon, Passaic, Union, Somerset, Mercer, and Monmouth Counties, N.J., and (b) from Pleasantville, N.J., to points in the New York, N.Y., commercial zone, under contract with Speed Queen Division, McGraw Edison. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133741, filed May 9, 1969. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in Colorado, South Dakota, and those in Nebraska on and west of U.S. Highway 83, under contract with Star Studs, Inc., Afton, Wyo. **NOTE:** Applicant holds contract carrier authority as an individual under MC 127964 and subs thereunder, therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo., or Denver, Colo.

No. MC 133742, filed May 13, 1969. Applicant: LLOYD W. BAIRD, doing business as SOUTHWEST WRECKER AND TOW SERVICE, 7770 Alabama, El Paso, Tex. Applicant's representative: Paul O. Sergeant, Jr., Suite 13A, El Paso National Bank Building, El Paso, Tex. 79901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Return of stolen or repossessed vehicles*, movements of vehicles from garages, service stations, storage depots, junkyards and other locations by towing, from El Paso, Tex., to points in New Mexico. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Las Cruces or Albuquerque, N. Mex.

No. MC 133743, filed May 7, 1969. Applicant: J. J. GUTHRIE, R.F.D. No. 3,

Cullman, Ala. 35505. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk and in bags; (1) from points in Cullman County, Ala., to points in Georgia and Tennessee; and (2) from points in Hamilton County, Tenn., to points in Alabama and Georgia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

MOTOR CARRIERS OF PASSENGERS

No. MC 110552 (Sub-No. 1) (Amendment), filed April 1, 1969, published in the **FEDERAL REGISTER** issue of April 24, 1969, amended and republished this issue. Applicant: BRADBURY SPRAGUE, doing business as SPRAGUE, Ladd Hill, Meredith, N.H. 03253. Applicant's representative: John H. Ramsey, Meredith, N.H. 03253. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations: From points in the area bounded by the following New Hampshire highways, including points on these highways: From Franklin, N.H., over New Hampshire 3A to West Plymouth; thence over New Hampshire Highway 25 to Plymouth; thence over U.S. Highway 3 to New Hampshire Highway 175 to Holderness; thence over New Hampshire Highway 175 to New Hampshire Highway 113 to Sandwich; thence over New Hampshire 109 to New Hampshire 28; thence over New Hampshire 28 to junction of New Hampshire Highway 107 at Pittsfield; thence over New Hampshire Highway 107 to New Hampshire Highway 140; thence over New Hampshire 140 to U.S. Highway 3; thence over U.S. Highway 3 to Franklin, N.H., to points in Maine, Vermont, Massachusetts, Rhode Island, and New York, and return. **NOTE:** The purpose of this republication is to broaden the scope of territorial authority sought. Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 115025 (Sub-No. 14), filed February 10, 1969. Applicant: THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 667 Cromwell Avenue, Rocky Hill, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in seasonal operations, between May 15 and September 15, inclusive, of each year, between Hartford, Windsor, Windsor Locks, Suffield, East Hartford, South Windsor, East Windsor, and Enfield, Conn., and

Agawam, West Springfield, Longmeadow, and Springfield, Mass., on the one hand, and, on the other, Misquamicut Beach, R.I. **NOTE:** Applicant has filed simultaneously herewith a petition for an interpretation of a portion of its certificate in MC 115025 Sub 13, which petition was published in yesterday's issue of the **FEDERAL REGISTER**. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 133744, filed May 12, 1969. Applicant: KOPECKY CORPORATION, 753 15th Street, San Diego, Calif. 92101. Applicant's representative: R. J. Klitgaard, 1635 First National Bank Building, 530 B Street, San Diego, Calif. 92101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in charter operations, from San Diego County, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12729 (Sub-No. 1), filed May 4, 1969. Applicant: NEWBURGH TERMINAL CORPORATION, 351 Broadway, Newburgh, N.Y. 12550. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC-5) to engage in operations as a *broker* at Newburgh, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, between points in the United States (except Hawaii).

No. MC 12759 (Sub-No. 2) (Clarification), filed April 7, 1969, published in **FEDERAL REGISTER** issue of May 1, 1969, clarified May 22, 1969, and republished as clarified this issue. Applicant: SKI-ORAMA TOURS, INC., 7 South Franklin Street, Hempstead, N.Y. 11550. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. For a license (BMC-5) to engage in operation as a *broker* at Hempstead, N.Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, in round trip or one-way all-expense tours; (1) between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., restricted to tours beginning and ending at points in Nassau and Suffolk Counties which have a prior or subsequent movement by air or rail in connection with (2) below, and provided that service at New York, N.Y., and points in Westchester County, at other than rail or air terminals, shall be limited to the pickup and discharge of passengers joining or departing from tours which begin and end at points in Nassau and Suffolk Counties; and (2) from Denver, Colo.; New Orleans, La.; Miami, Fla.; Chicago, Ill.; Los Angeles, San Francisco, and San Diego, Calif.; Fort Worth and Laredo, Tex.; and Las Vegas, Nev.; to points in the United States, including

Alaska and excepting Hawaii, restricted to tours having a prior or subsequent movement by air or rail in connection with (1) above. **NOTE:** The purpose of this republication is to more clearly set forth the authority sought.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 137), filed May 19, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers; (1) between Scranton and Harrisburg, Pa., from Scranton over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to Harrisburg, and return over the same route, serving only the intermediate point of junction Interstate Highway 83 and U.S. Highway 22 east of Progress, Pa., for purpose of joinder only, as an alternate route for operating convenience only; (2) between Scranton and Wilkes-Barre, Pa., from Scranton over Interstate Highway 81 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wilkes-Barre, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (3) between Wilkes-Barre and Harrisburg, Pa., from Wilkes-Barre over Pennsylvania Highway 309 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to Harrisburg, and return over the same route, serving only the intermediate point of junction Interstate Highway 83 and U.S. Highway 22 east of Progress, Pa., for purpose of joinder only, as an alternate route for operating convenience only.

MOTOR CARRIER OF PROPERTY

No. MC 2202 (Sub-No. 372), filed May 8, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the terminal site of Harder's Express, Inc., located at or near Claverack, N.Y., as an off-route point in connection with its regular route authority between Harrisburg, Pa., and Albany, N.Y.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6568; Filed, June 4, 1969; 8:45 a.m.]

[Ex Parte 55]

**GENERAL TRANSPORTATION
IMPORTANCE RULE****Interpretation of Three-Page
Limitation**

JUNE 2, 1969.

Rule 101(a)(4) of the Commission's general rules of practice contains the provisions relating to petitions seeking a finding that an issue of general transportation importance is involved in a matter before the Commission (§ 1100.101(a)(4)).

The rule provides in part that such petitions, " * * * shall not exceed three pages." Questions of interpretation of the three-page limitation have arisen due principally to the practice of attaching a title page and a certificate of service page to pleadings filed with the Commission. Parties filing such pleadings could not be certain that these additional "pages" would not be included within the three-page limitation of Rule 101(a)(4). In view of this, it has been determined that the three-page limitation on General Transportation importance petitions in Rule 101(a)(4) shall be construed as meaning three pages of substantive pleading exclusive of a title page or a certificate of service page.

[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 69-6635; Filed, June 4, 1969;
8:49 a.m.]**FOURTH SECTION APPLICATIONS FOR
RELIEF**

JUNE 2, 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. 41642—*Chlorine to St. Marys, Ga.* Filed by O. W. South, Jr., agent (No.

A6098), for interested rail carriers. Rates on chlorine, in tank carloads, from Baton Rouge, North Baton Rouge, Geismar, and Gramercy, La., to St. Marys, Ga.

Grounds for relief—Rate relationship. Tariff—Supplement 95 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 41643—*Acid to Geismar, La.* Filed by O. W. South, Jr., agent (No. A6100), for and on behalf of Illinois Central Railroad Co. Rates on acid, acetic, glacial or liquid, in tank carloads, as described in the application, from St. Louis, Mo., to Geismar, La.

Grounds for relief—Market competition.

Tariff—Supplement 236 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 41644—*Groundwood paper cores and printing paper cores returned to points in southern territory.* Filed by O. W. South, Jr., agent (No. A6101), for interested rail carriers. Rates on groundwood paper cores and printing paper cores, in carloads, as described in the application, returned from and to points in southern territory; also returned from points in Illinois Freight Association, southern official territories, and points in Canada, on the one hand, to points in southern territory, on the other.

Grounds for relief—Carrier competition.

Tariff—Supplement 111 to Southern Freight Association, agent, tariff ICC S-519.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 69-6636; Filed, June 4, 1969;
8:49 a.m.]

[Notice 358]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

JUNE 2, 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-69752. By order of May 26, 1969, the Motor Carrier Board approved the transfer to Arctic Storage Co., a corporation, Phoenix, Ariz., of a portion of certificate of registration No. MC-57941 (Sub-No. 3), issued February 14, 1966, to City Transfer Co., a corporation, Phoenix, Ariz., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of convenience and necessity No. 3898, dated July 26, 1960, and as reissued January 31, 1961 by the Arizona Corporation Commission, subject to Arizona General Order No. MV-12, Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003, attorney for applicants.

No. MC-FC-70389. By order of May 26, 1969, the Motor Carrier Board approved the transfer to Helen Colletti, doing business as King Van of Phoenix, Phoenix, Ariz., of that portion of the certificate of registration in No. MC-57941 (Sub-No. 3) issued February 14, 1966, to City Transfer Co., a corporation, Casa Grande, Ariz., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Arizona, corresponding in scope to the household goods authority in item 4 of certificate No. 3906, dated November 13, 1959, issued by the Arizona Corporation Commission. A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012, attorney for applicants.

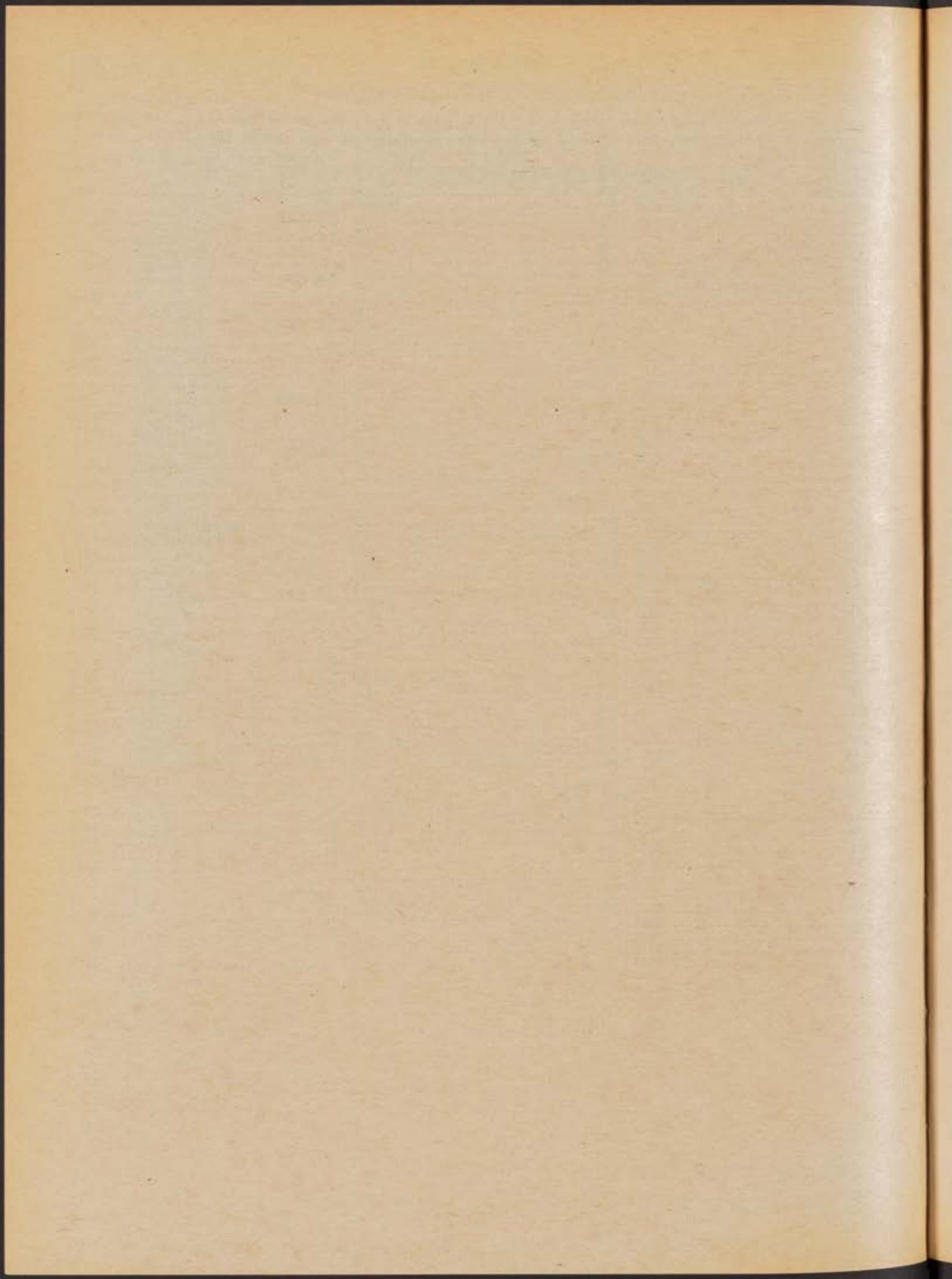
[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 69-6637; Filed, June 4, 1969;
8:49 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 107

Thursday, June 5, 1969 • Washington, D.C.

PART II

DEPARTMENT OF
TRANSPORTATION

Coast Guard

Miscellaneous Amendments
to Chapter



Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 68-126]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The International Convention on Load Lines, 1966 became effective on July 21, 1968. The Coast Guard regulations which implement the Convention were considered by the Merchant Marine Council, after due notice of proposed rule making, as Item PH 1-68 in a public hearing held on March 25, 1968 (CG-249, pages 1 to 120). These regulations contained in the main in 46 CFR Part 42 (Subchapter E—Load Lines) were published in the FEDERAL REGISTER of July 12, 1968 (33 F.R. 10042-10077). Since the publication certain classification societies, interested industry organizations and the Coast Guard have further reviewed the regulations. Certain deficiencies were noted. This document contains amendments to the regulations which will:

a. Delegate to approved assigning authorities the authority to approve the structure, equipment and protection of hull openings which are required by these regulations to be approved prior to the assignment of load lines;

b. Clarify the intent of the regulations by using the same words and phrases as are contained in other vessel inspection regulations in 46 CFR Chapter I (certain words and phrases came from the Load Line Convention and in a number of instances are not compatible with phraseology used in other Coast Guard regulations); and

c. Eliminate unnecessary repetition of certain requirements.

d. A new § 42.20-3 is added to Part 42 which contains almost verbatim IMCO's Resolution A 172 (ESIV), dated November 28, 1968, entitled, "Recommendation for Uniform Application and Interpretation of Regulation 27 of the International Convention on Load Lines, 1966." This is done since the technical regulations in Part 42 are copied from the regulations of the convention.

The changes in the regulations made by this document are editorial in nature or relate to interpretative rules or rules of agency procedure. Therefore, compliance with the administrative procedural requirements in 5 U.S.C. 553 (regarding notice of proposed rule making and the effective date requirements) is unnecessary with respect to these changes.

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Subpart 2.01—Inspecting and Certifying of Vessels

1. Section 2.01-15 is revised in its entirety to read as follows:

§2.01-15 Vessel repairs.

(a) No repairs or alterations affecting the safety of a vessel or her machinery shall be made unless applicable requirements in this chapter are met. The procedures to be followed in notifying the Coast Guard about vessel repairs vary according to the type of vessel and service in which engaged. The requirements are set forth in the subchapter governing a particular class of vessels or in a subchapter governing a particular subject as follows:

(1) For passenger vessels that are 100 gross tons or more, see §§ 71.55-1 and 71.60-1 of Subchapter H (Passenger Vessels) of this chapter.

(2) For small passenger vessels under 100 gross tons, see § 176.20-1 of Subchapter T (Small Passenger Vessels) of this chapter.

(3) For cargo and miscellaneous vessels, see §§ 91.45-1 and 91.50-1 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(4) For tank vessels, see §§ 31.10-25 and 35.01-1 of Subchapter D (Tank Vessels) of this chapter.

(5) For public nautical schoolships, see §§ 167.30-1 and 167.30-10 of Subchapter R (Nautical Schools) of this chapter.

(6) For oceanographic vessels, see §§ 189.45-1 and 189.50-1 of Subchapter U (Oceanographic Vessels) of this chapter.

(7) For repairs to a vessel after it has been surveyed, see § 42.09-50 of Subchapter E (Load Lines) of this chapter.

(8) For repairs to boilers, pressure vessels, and appurtenances, see Part 59 of Subchapter F (Marine Engineering) of this chapter.

(9) For repairs to electrical installations or equipment, see §§ 111.05-5(e), 111.05-10(e), and 111.90-5 of Subchapter J (Electrical Engineering) of this chapter.

(b) If repairs to a vessel are necessary, such a vessel may be permitted to proceed to another port for repairs, if in the opinion of the marine inspector it can be done with safety. The permit is granted by the Officer in Charge, Marine Inspection, upon request in writing by the master or owner of the vessel and is issued on Coast Guard Form CG-948, Permit to Proceed to Another Port for Repairs. The requirements for such permits are set forth in the subchapter governing a particular class of vessels as follows:

(1) For passenger vessels that are 100 gross tons or more, see Subpart 71.05 of Subchapter H (Passenger Vessels) of this chapter.

(2) For small passenger vessels under 100 gross tons, see § 176.01-27 of Subchapter T (Small Passenger Vessels) of this chapter.

(3) For cargo and miscellaneous vessels, see Subpart 91.05 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(4) For tank vessels, see § 31.10-35 of Subchapter D (Tank Vessels) of this chapter.

(5) For public nautical schoolships, see § 167.30-5 of Subchapter R (Nautical Schools) of this chapter.

(6) For oceanographic vessels, see Subpart 189.05 of Subchapter U (Oceanographic Vessels) of this chapter.

Subpart 2.50—Assessment, Mitigation or Remission of Penalties

2. Section 2.50-1 is revised in its entirety to read as follows:

§ 2.50-1 Assignment of functions.

(a) The Department of Transportation Act (Public Law 89-670, 80 Stat. 931-950; 49 U.S.C. 1651-1659), transferred to and vested in the Secretary of Transportation " * * * all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices in the Department of the Treasury" (subsection 6(b)(1), 49 U.S.C. 1655(b)), which included all functions, powers, and duties pertaining to assessment, mitigation or remission of penalties under the navigation and vessel inspection laws administered by the Coast Guard. This transfer is subject to certain conditions, modifications, and exceptions as set forth in such act. By a rule in 49 CFR 1.4(a) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in subsections 6(a)(4), 6(b)(1), and 6(g) of such act (49 U.S.C. 1655), subject to conditions, exceptions, and modifications as described in 49 CFR Part 1. By a rule in 49 CFR 1.9 the Secretary of Transportation continued in effect actions taken prior to April 1, 1967.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967, and effective April 1, 1967 (32 F.R. 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

§ 2.50-10 [Amended]

3. Section 2.50-40 *Specific types of violations reported* is amended by correcting the reference to load line regulations "parts 43 to 46" to "Parts 42 to 46, inclusive."

Subpart 2.85—Load Lines

§ 2.85-1 [Amended]

4. Section 2.85-1 *Assignment of load lines* is amended in paragraph (a), first sentence, by changing the phrase "maximum mean draft" to "maximum amidships draft"; and in paragraph (c), first sentence, the phrase "surveys and annual inspections required" to "surveys required".

(R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 415, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (g)-Interpret or apply sec. 552, 80 Stat. 383, as amended; 5 U.S.C. 552)

SUBCHAPTER E—LOAD LINES

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Subpart 42.01—Authority and Purpose

§ 42.01-1 [Amended]

1. Paragraph (a) of § 42.01-1 *Authority for regulations* is amended by inserting the word "amidship" between the words "maximum" and "draft" in lines 4 and 5.

§ 42.01-10 [Amended]

2. Paragraph (b) of § 42.01-10 *Purpose of regulations* is amended by deleting the words "and inspections" in line 9 and inserting the word "and" between the words "lines," and "surveys" in line 9.

Subpart 42.03—Application

3. Section 42.03-5 is amended by revising paragraphs (a)(3), (b)(2), and (c) to read as follows:

§ 42.03-5 U.S.-flag vessels subject to the requirements of this subchapter.

(a) * * *

(3) All U.S.-flag vessels authorized to engage in foreign or international voyages may also engage in domestic voyages by sea and, as permitted by § 45.01-75 of this subchapter, in Great Lakes voyages without additional load line marks and/or certificates. Where additional load line marks and certificates are provided to specifically cover "Great Lakes" or "Special Service, Coastwise" operation, such vessels are subject to the applicable provisions of Parts 44 and 45 of this subchapter.

(b) * * *

(2) In order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, paragraph (a)(2) of this section applies.

(c) *Vessels engaged solely in Great Lakes voyages and/or special service coastwise voyages.* All U.S.-flag vessels, as specified in paragraph (b) of this section and with exceptions as indicated, which engage solely in Great Lakes voyages and/or special service coastwise voyages shall be subject to the applicable provisions of Parts 44 and 45 of this subchapter.

4. Section 42.03-30 is amended to read as follows:

§ 42.03-30 Exemptions for vessels.

(a) For an individual vessel or category of vessels, upon the specific recommendation of the assigning authority, the Commandant may authorize an exemption from one or more load line requirements. Such recommendation and authorization will depend upon provision of any additional features as deemed necessary by the authorities to ensure the vessel's safety in the services and under the conditions specified in paragraph (b) of this section.

(b) Exemptions from specific load line requirements for vessels meeting requirements of paragraph (a) of this section are authorized, subject to certain condi-

tions, including type of voyage engaged in, as follows:

(1) For vessels engaged on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. The exemptions may be permitted because the requirements are deemed to be unreasonable or impracticable due to the sheltered nature of the waters on which the voyages occur or other conditions. These exemptions shall be valid only so long as such a vessel shall remain engaged on specific designated voyages. If the voyage involves a foreign country or countries, the United States will require an exemption agreement with such country or countries prior to the issuance of the appropriate load line certificate.

(2) For vessels engaged on international voyages which embody features of a novel kind, and where nonexemption may seriously impede research, development, and incorporation of novel features into vessels. If the voyage or voyages intended involve a foreign country or countries, then the United States will require an exemption agreement with such country or countries prior to the issuance of a Load Line Exemption Certificate.

(3) For a vessel not normally engaged on international voyages but which is required to undertake a single international voyage under exceptional circumstances.

(c) A vessel given one or more exemptions from load line requirements under the provisions of paragraph (b)(1) of this section will be issued the appropriate load line certificate, using Form A1, A2, or A3. In each case the exemptions shall be specified on the load line certificate together with the Convention authority which authorizes such exemptions.

(d) A vessel given one or more exemptions under the provisions of paragraph (b)(2) or (3) of this section will be issued a Load Line Exemption Certificate, using Form E1. This certificate shall be in lieu of a regular load line certificate, and the vessel shall be considered as in compliance with applicable load line requirements.

(e) Vessels engaged on domestic voyages by sea or solely on Great Lakes voyages are not granted exemptions from load line requirements. Such vessels which embody features of a novel kind as described in paragraph (b)(2) of this section are given special consideration under the provisions of § 42.03-20. The novel features and any additional safety measures required shall be briefly described on the face of the appropriate certificate issued.

(f) Vessels not normally engaged on domestic voyages by sea or solely on Great Lakes voyages, and required to undertake a single voyage on such waters shall be subject to the Coastwise Load Line Act, as amended, and the applicable regulations of this subchapter. No authority exists to exempt such a vessel from the applicable load line requirements.

§ 42.03-35 [Amended]

5. Section 42.03-35 *U.S.-flag vessels and Canadian vessels navigating solely on sheltered waters of Puget Sound and contiguous west coast waters of United States and Canada* is amended as follows: The heading to § 42.03-35 is amended by deleting the word "solely"; paragraph (a) is amended by deleting the word "sheltered" in line 5 by changing the word "engaged" to read "engage" in lines 9 and 10, and by deleting the word "sheltered" from line 13; paragraph (b) is amended by deleting the words "solely on the sheltered waters" in line 2 and substituting therefor the words "on the treaty waters on a voyage as", by inserting the words "and passing outside their boundary on any voyage" after the word "waters" line 9, and by deleting the words "as a part of an international or other type of voyages" from lines 9 and 10; paragraph (c) is amended by deleting the words "solely" and "sheltered" in line 5, by deleting the word "may" in line 12 and substituting therefor the words "is authorized to", and by deleting the words "such vessel" at the end of the paragraph and substituting therefor the words "her service assignment, and marking".

Subpart 42.05—Definition of Terms Used in This Subchapter

6. A new § 42.05-63 is added to Subpart 42.05 following § 42.05-60, reading as follows:

§ 42.05-63 Ship(s) and vessel(s).

The terms "ship(s)" and "vessel(s)" are interchangeable or synonymous words, and include every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Subpart 42.07—Control, Enforcement, and Rights of Appeal

7. Paragraphs (a), (b), (d), and (e) of § 42.07-1 are amended to read as follows:

§ 42.07-1 Load lines required.

(a) The vessels listed in §§ 42.03-5 and 42.03-10 as subject to the applicable requirements in this subchapter shall have load lines accurately marked amidships, port and starboard, as provided in this Part 42 or the 1966 Convention, unless otherwise stated. Those vessels issued load line exemption certificates may not be required to have load line marks (see § 42.03-30).

(b) For vessels marked with international load lines and navigating the Great Lakes, such vessels are also subject to requirements in Part 45 of this subchapter while on the Great Lakes. See § 45.01-75(b) of this subchapter for load line marks used by such vessels.

(d) For coastwise steam colliers, barges, and self-propelled barges in special services, the requirements for the applicable load line marks are in Part

44 of this subchapter. These requirements also include certain regulations governing such vessels when they additionally engage in Great Lakes voyages, international voyages or unlimited coastwise voyages. Load line requirements in this Part 42 also apply to such vessels when engaged on international or unlimited coastwise voyages.

(e) For existing U.S.-flag vessels, as defined in § 42.05-30(a), and engaged on international or coastwise voyages, the load line requirements set forth in Part 43 of this subchapter may continue to apply, provided:

(1) The vessel has not been assigned a reduced freeboard under the regulations in this Part 42, and

(2) The form of load line certificate issued to and carried on board the vessel conforms to the requirements of § 42.07-45(b) (1).

8. Section 42.07-5(b) is amended to read as follows:

§ 42.07-5 Marks placed on vessel to indicate load lines.

(b) The load line marks placed on a vessel shall be attested to by a valid load line certificate as required by § 42.07-45(b). The issuing authority shall not deliver any required load line certificate to the vessel until after its surveyor has ascertained that the vessel meets the applicable survey requirements and the correct placement of the marks on the vessel's sides has been confirmed.

§ 42.07-10 [Amended]

9. Paragraph (a) (3) of § 42.07-10 *Submergence of load line marks* is amended by inserting a comma between the words "over" and "other" in line 2 and by inserting a comma after the word "paragraph" at the end of line 3.

§ 42.07-35 [Amended]

10. Section 42.07-35 *American Bureau of Shipping as an assigning authority* is amended as follows: Paragraph (a) is amended by deleting the words "and inspections" from line 11; paragraph (b) is amended by inserting the words "or reissue" between "issue" and "under" in line 3; paragraph (d) is amended by changing the word "renew" to read "revalidate" line 2; and paragraph (e) is amended by deleting the words "Before delivery of any certificate to the vessel identified therein, and before renewing" lines 1, 2, and 3, and substituting therefor the words "Before revalidating."

9. In § 42.07-45 paragraphs (b) (1), (d), and (f) (2), are amended and a new paragraph (h) is added, which read as follows:

§ 42.07-45 Load line certificates.

(1) For U.S.-flag vessels on international voyages, and holding valid certificates issued pursuant to Part 43 of this subchapter prior to July 21, 1968, the period of validity of such certificates

shall be until July 21, 1970, or until date of expiration, whichever shall occur first. For the other U.S.-flag vessels holding valid certificates issued pursuant to Parts 43 to 46, inclusive, prior to July 21, 1968, there is no change in the period of validity and they remain in effect to the date of expiration. Certificates issued after July 21, 1968, to U.S.-flag vessels shall be on the applicable forms described in Subpart 42.50 of this part or in Parts 44 to 46, inclusive, of this subchapter.

(d) Except for the use of the 5-month extension endorsement, no load line certificate or exemption certificate shall be issued for a period in excess of 5 years. The annual survey of a vessel holding a valid load line certificate or exemption certificate shall be evidenced by an endorsement on the back of the certificate by the attending authorized surveyor, upon satisfactory completion of the survey.

(f) * * *

(2) International load line certificate Form A1, A2, or A3 issued under special conditions to U.S.-flag vessels on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. Exemptions, if any, shall be specified on the certificate.

(h) Where a vessel qualifies for and is issued a Form E1 International Load Line Exemption Certificate for foreign voyages but is also or solely engaged in coastwise or intercoastal voyages by sea, this certificate shall be considered equivalent to a valid coastwise load line certificate. In such case the vessel shall be deemed in full compliance with the Coastwise Load Line Act and the regulations in this part promulgated thereunder.

§ 42.07-50 [Amended]

10. Paragraph (c) of § 42.07-50 *Penalties for violations* is amended by changing the word "also" in line 3 to read "both".

11. Section 42.07-55(a) is amended to read as follows:

§ 42.07-55 Cancellation of load line certificates or exemption certificates.

(a) Since vessels described in § 42.03-5 or § 42.03-10 when found qualified are issued appropriate load line certificates or load line exemption certificates, under U.S. responsibility as indicated in § 42.07-45 such certificates may be canceled by proper U.S. authority for due cause, including one or more of the causes listed in paragraph (b) of this section. Such action may occur prior to the expiration date on the certificate and normal certificate surrender. The cancellation of such certificate means that the correctness of load line marks and compliance with conditions of assignment for the named vessel no longer are recognized by the United States and that the existing assigned load line marks are voided.

§ 42.07-60 [Amended]

12. Section 42.07-60 *Control* is amended as follows: Paragraph (a) is amended by deleting the word "Collector" in the first line and substituting therefor the words "District Director" and by deleting the word "part" in line 7 and substituting therefor the word "subchapter"; paragraph (b) is amended by deleting the word "Collector" in line 1, 5, and 10 and substituting therefor the words "District Director", and by deleting the word "part" at the end of the paragraph and substituting therefor the word "subchapter"; paragraph (c) is amended by deleting the word "Collector" in lines 3 and 4 and substituting therefor the words "District Director"; paragraph (f) is amended by inserting the words "; or which holds a recognized and valid 1930 Convention certificate, or which holds a valid Great Lakes certificate," between the words "Convention" and "shall" in line 3; paragraph (f) (1) is amended by inserting the words "or Great Lakes" between the words "International" and "Load" in line 3; and paragraph (g) is amended by deleting the word "However" in line 5 and substituting therefor the words "In lieu thereof."

Subpart 42.09—Load Line Assignments and Surveys—General Requirements

§ 42.09-1 [Amended]

13. Section 42.09-1 *Assignment of load lines* is amended as follows: Paragraph (a) is amended by deleting the words "the effective protection" in line 6 and substituting therefor the word "that", and by inserting the words "reference to Commandant approved" between the words "including" and "operating" in the next to last line; and paragraph (a) (2) is amended by changing the words "conditional load line assignments" in line 11 to read "a conditional load line assignment".

§ 42.09-10 [Amended]

14. Section 42.09-10 *Stability, subdivision, and strength* is amended as follows: Paragraph (a) is amended by deleting the second sentence and substituting therefor the following sentence, "This material shall be furnished to the assigning authority for approval review at the earliest practicable date except where specifically required by Part 46 of this subchapter for passenger vessels to be submitted to the Commandant for approval."; and paragraph (b) is amended by deleting the words "may be determined" in line 3 and substituting therefor the words "is subject to determination", by deleting the words "part or Part 46 of this" in lines 5 and 6, and by deleting the word "parts" in line 7 and substituting therefor the words "Parts 42 and 46".

§ 42.09-15 [Amended]

15. Section 42.09-15 *Surveys by the American Bureau of Shipping or assigning authority* is amended as follows: Paragraph (a) is amended by inserting the words "assigning authority or the"

between the words "the" and "Commandant" in the last line of the paragraph; paragraph (b) is amended by deleting the word "inspection" in lines 5 and 6 and substituting therefor the word "examination"; paragraph (c) (1) is amended by deleting all material following the word "shown" in line 17 to the end of the paragraph and substituting therefor the following: "on the forms in Subpart 42.50. However, if there have been alterations which affect the vessel's freeboards, such extension shall not be granted. This prohibition is the same as in Article 19(2) of the 1966 Convention."; paragraph (c) (2) is amended by changing the word "renewal" in line 2 to "reissue"; and paragraph (d) is amended by deleting the words "such as will ensure that the vessel complies with all requirements for this type of survey, and" and substituting therefor "as defined in § 42.09-40 and such as to ensure."

§ 42.09-20 [Amended]

16. Section 42.09-20 *Surveys of foreign vessels* is amended as follows: Paragraph (a) is amended by deleting the word "its" in line 10 and substituting therefor the words "other U.S.", by deleting the words "the American Bureau of Shipping or a recognized load line assigning and issuing authority as approved by the Commandant", substituting therefor "a load line assigning and issuing authority as authorized under § 42.07-35 or § 42.07-40"; paragraph (b) is amended by deleting the words "the issuance or the renewal" in lines 5 and 6 and substituting therefor the words "issue or reissue"; and paragraph (c) is amended by changing the word "validated" in line 11 to read "revalidated".

§ 42.09-25 [Amended]

17. The heading of § 42.09-25 is changed from "Survey requirements for all vessel." to read "Initial or periodic survey requirements for all vessels."

§ 42.09-45 [Amended]

18. Section 42.09-45 *Correction of deficiencies* is amended as follows: Paragraph (a) is amended by changing the word "seaworthy" to read "satisfactory" in line 6; and paragraph (b) is amended by changing the word "renewed" in line 2 to read "reissued" and by deleting the words "and the surveyor finds the vessel to be in a seaworthy condition" in lines 5, 6, and 7 and substituting therefor "as required by paragraph (a) of this section".

§ 42.09-50 [Amended]

19. Paragraph (c) of § 42.09-50 *Repairs or alterations to vessel after it has been surveyed* is amended by changing the word "certified" in line 2 to read "certificated".

Subpart 42.11—Applications for Load Line Assignments, Surveys, and Certificates

20. Section 42.11-1 (a) and (b) is amended to read as follows:

§ 42.11-1 General.

(a) As described in this subchapter under §§ 42.07-35, 42.07-40, 42.09-15, and 42.09-20, the American Bureau of Shipping or other recognized classification societies approved as load line assigning and issuing authorities perform the duties connected with making load line assignments to vessels.

(b) The Commandant is responsible for the administration of the load line acts, the 1930 and 1966 Conventions, other treaties regarding load lines, and the implementing regulations in this subchapter which include prescribed form and content of applicable load line certificates.

§ 42.11-5 [Amended]

21. Section 42.11-5 *Applications for load line assignments, surveys, and certificates for U.S.-flag vessels* is amended as follows: Paragraph (a) is amended by deleting the words "direct to the nearest local office of" in lines 3 and 4 and substituting therefor the word "to" and by changing the word "noncurrent" in lines 6 and 7 to read "nonconcurrent"; and paragraph (b) is amended by changing the word "noncurrent" in line 10 to read "nonconcurrent".

§ 42.11-10 [Amended]

22. Paragraph (b) of § 42.11-10 *Application for load line assignments and certificates for vessels other than U.S.-flag vessels* is amended by changing the word "applies" in line 4 to read "shall apply", by deleting the word "direct" in line 4, by deleting the words "nearest local office of the" in line 5, by inserting the word "recognized" between the words "other" and "assigning" in lines 6 and 7, by deleting the word "is" and substituting therefor the words "has been" in line 7, by changing the word "renewal" to read "reissue" in line 10, and by deleting the word "its" in line 14 and substituting therefor the words "other U.S."

§ 42.11-15 [Amended]

23. Paragraph (a) of § 42.11-15 *Application for timber load lines* is amended by deleting the words "The assigning authority after surveying the vessel and finding it in compliance with the applicable requirements in this subchapter may have the vessel" from the second sentence of the paragraph and substituting therefor "After the vessel has been found in compliance with the applicable requirements in this subchapter, it may be".

Subpart 42.13—General Rules for Determining Load Lines

24. Section 42.13-5(a) is amended to read as follows:

§ 42.13-5 Strength of vessel.

(a) The assigning and issuing authority shall satisfy itself that the general structural strength of the vessel is sufficient for the draft corresponding to the freeboard assigned, and when re-

quested shall furnish pertinent strength information to the Commandant.

§ 42.13-10 [Amended]

25. Section 42.13-10 *Freeboards assigned vessels* is amended as follows: Paragraph (a) is amended by changing "42.30-75" in line 6 to read "42.20-75"; paragraph (b) is amended by changing the word "freeboard" in line 3 to read "freeboards", and by changing "42.25-50" in line 6 to read "42.25-20"; paragraph (c) is amended by deleting the period following "Commandant" in line 8 and inserting the following words, "under the procedure of paragraph (f) of this section."; paragraph (d) is amended by deleting the period following "Commandant" in line 9 and inserting the following words, "under the procedure of paragraph (f) of this section."; paragraph (e) is amended by deleting all material from the paragraph following the word "assigned" in line 7 and substituting therefor "provided the safety conditions of the vessel are determined to be satisfactory under paragraph (f) of this section."; and a new paragraph (f) is added reading as follows:

(f) In each case specified by paragraph (c) to (e) inclusive of this section, the assigning authority shall report to the Commandant the specific matters in which the vessel is deficient or requires special freeboard consideration due to design, arrangement, construction materials, propulsive method, or relaxation of requirements in this part. The report shall also furnish background data and recommendations of the assigning authority (including freeboard additions), as will enable the Commandant to reach a decision.

§ 42.13-15 [Amended]

26. Section 42.13-15 *Definitions of terms* is amended as follows: Paragraph (a) is amended by changing the word "moulded" in line 4 to read "molded", by inserting the words "top of the" between "the" and "keel" in line 4, and by deleting the words "as defined in paragraph (e) (1) of this section" from lines 5 and 6; paragraph (d) is amended by changing the word "moulded" in line 4 to read "molded"; paragraph (e) is amended by changing the word "Moulded" in the heading to read "Molded"; paragraph (e) (1) is amended by changing the word "moulded" in line 1 to read "molded"; paragraph (e) (2) is amended by changing the word "moulded" to read "molded" in lines 2 and 4 (twice); paragraph (e) (3) is amended by changing the word "moulded" to read "molded" in lines 4 and 5 (twice); paragraph (f) (1) is amended by changing the word "moulded" in line 2 to read "molded"; paragraph (g) is amended by changing the word "moulded" to read "molded" in lines 4 and 10 (twice); by changing the word "draught" to read "draft" in line 10 and by changing the word "moulded" to read "molded" in the last line; and paragraph (i) (1) is amended by changing the word "Commandant" to read "assigning authority" in line 15.

§ 42.13-20 [Amended]

27. Section 42.13-20 *Deck line* is amended by deleting the period (".") following "(1966)" in the last line and inserting the following ", and, as applicable, on all other load line certificates issued pursuant to this Part 42."

§ 42.13-30 [Amended]

28. Paragraph (a) of § 42.13-30 *Lines to be used with the load line mark* is amended by deleting the words "these regulations" in lines 2 and 3 and substituting therefor the words "the regulations in this part".

§ 42.13-40 [Amended]

29. Paragraph (a) of § 42.13-40 *Details of marking* is amended by deleting the word "Commandant" in line 6 and substituting therefor the words "assigning authority".

§ 42.13-45 [Amended]

30. Paragraph (a) of § 42.13-45 *Verification of marks* is amended by deleting all of the text following the word "until" in line 3 and substituting therefor "§ 42.07-5 has been fully complied with under the authority and provisions of Subparts 42.07 and 42.09 of this part".

Subpart 42.15—Conditions of Assignment of Freeboard

§ 42.15-1 [Amended]

31. Section 42.15-1 *Information to be supplied to the master* is amended as follows: Paragraph (a) is amended by deleting the words "by the assigning and issuing authority with sufficient information, in an approved form," in lines 2 to 4, inclusive, and substituting therefor: "with sufficient information, in a form approved by the assigning and issuing authority,"; and paragraph (b) is amended by deleting the words "an approved form" in lines 6 and 7 and substituting therefor "a form approved by the Commandant".

§ 42.15-5 [Amended]

32. Paragraph (a) of § 42.15-5 *Superstructure end bulkheads* is amended by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.15-15 [Amended]

33. Paragraph (a) (2) of § 42.15-15 *Position of hatchways, doorways and ventilators* is amended by changing the word "deck" in line 2 to read "decks".

§ 42.15-20 [Amended]

34. Paragraph (b) of § 42.15-20 *Cargo and other hatchways* is amended by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.15-25 [Amended]

35. Paragraph (d) (2) of § 42.15-25 *Hatchways closed by portable covers and secured weathertight by tarpaulins and battening devices* is amended by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.15-30 [Amended]

36. Section 42.15-30 *Hatchways closed by weathertight covers of steel or other equivalent material fitted with gaskets and clamping devices* is amended as follows: Paragraph (a) is amended by changing the word "Commandant" in line 10 to read "assigning authority"; paragraph (b) (2) is amended by changing the word "Commandant" in lines 4 and 5 to read "assigning authority"; paragraph (c) (1) is amended by changing the word "Commandant" in the last line to read "assigning authority"; and paragraph (c) (2) is amended by changing the word "inspections" in lines 6 and 7 to read "surveys".

§ 42.15-40 [Amended]

37. Paragraph (a) § 42.15-40 *Miscellaneous openings in freeboard and superstructure decks* is amended by inserting the word "or" between the number "2" and the word "within" in line 2.

§ 42.15-45 [Amended]

38. Section 42.15-45 *Ventilators* is amended as follows: Paragraph (a) is amended by changing the word "deck" in line 2 to read "decks" and by deleting the words "above the deck" in the next to last line; paragraph (c) is amended by changing the word "Commandant" to read "assigning authority" in the last line; and paragraph (e) is amended by changing the word "Commandant" to read "assigning authority" in the last line.

§ 42.15-50 [Amended]

39. Paragraph (a) of § 42.15-50 *Air pipes* is amended by changing the word "Commandant" in line 12 to read "assigning authority".

§ 42.15-55 [Amended]

40. Paragraph (a) of § 42.15-55 *Cargo ports and other similar openings* is amended by deleting the words "surroundings shell plating," from lines 6 and 7 and substituting therefor "surrounding shell plating, to the satisfaction of the assigning authority. The arrangements shall be subject to tightness tests at the initial survey and at such subsequent surveys or more frequent intervals as deemed necessary."

§ 42.15-60 [Amended]

41. Section 42.15-60 *Scuppers, inlets, and discharges* is amended as follows: Paragraph (a) is amended by changing the word "Commandant" in lines 24 and 25 to read "assigning authority"; paragraph (c) is amended by inserting the words "in Part 56" between the words "specified" and "in" in the next to last line; and paragraph (e) is amended by changing "ordinary" in line 4 to read "ordinary" and by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.15-70 [Amended]

42. Section 42.15-70 *Freeing ports* is amended by changing the word "Commandant" in the last line of paragraph (d) to read "assigning authority".

§ 42.15-75 [Amended]

43. Section 42.15-75 *Protection of the crew* is amended as follows: Paragraph (a) is amended by changing the word "Commandant" in line 4 to read "assigning authority"; and paragraph (b) is amended by deleting the word "is" in the next to last line and substituting therefor the words "and the assigning authority are".

§ 42.15-80 [Amended]

44. Section 42.15-80 *Special conditions of assignment for type "A" vessels* is amended by changing the word "Commandant" in line 13 of paragraph (b) (1) to read "assigning authority".

Subpart 42.20—Freeboards

45. Part 42 is amended by adding a new § 42.20-3 to read as follows:

§ 42.20-3 *Required flooding and stability assumptions applicable to Type A and Type B vessels.*

(a) The Assembly of the Intergovernmental Maritime Consultative Organization on November 28, 1968, made certain recommendations for uniform application and interpretation of Regulation 27 of the International Convention on Load Lines, 1966. The United States participated in and accepted these recommendations which are, in effect, directly transcribed below in this section and their applicability indicated.

(b) The ship in the intact condition is assumed to have no trim.

(c) In applying §§ 42.20-5 (b), 42.20-10 (c), (d), and (f) when calculating subdivision, account should be taken of the following assumptions:

(1) The vertical extent of damage in all cases is assumed to be equal to the depth of the ship at the flooded compartment under consideration. The buoyancy of any superstructure or deckhouse directly above the flooded compartment is to be disregarded.

(2) The transverse extent of damage is equal to B/5, measured inboard from the side of the ship perpendicularly to the center line at the level of the summer load waterline. If damage of a lesser extent results in a more severe condition such lesser extent should be assumed.

(3) Transverse bulkheads; damage and flooding assumptions:

(i) No main transverse bulkhead is assumed damaged except where in § 42.20-10 (f) the flooding of any two adjacent fore and aft compartments is envisaged; in addition the damage may be located between two transverse bulkheads bounding side tanks.

(ii) If in a transverse bulkhead there are steps or recesses of not more than 10 feet in length located within the extent of transverse penetration of damage as defined in subparagraph (2) of this paragraph, such transverse bulkheads may be considered intact and the adjacent compartments may be floodable singly. If, however, within the extent of penetration of damage there is a step or recess of more than 10 feet in length

in a transverse bulkhead, the two compartments adjacent to this bulkhead should be considered as flooded.

(4) If a double bottom or side tank is divided by a transverse bulkhead located more than 10 feet from a main transverse bulkhead, the adjacent double bottom or side tank should be considered as flooded. If this side tank has openings into the holds, such holds should also be considered as flooded. This provision is applicable even where such openings are fitted with closing appliances.

(d) Calculations; bulkhead spacing applicable to § 42.20-10(f):

(1) In applying § 42.20-10(f), the calculations for the flooded condition should be based on the assumptions specified in paragraph (c) of this section. To be considered effective main transverse watertight bulkheads should be spaced at least 10 feet +0.03L, or 35 feet whichever is the lesser.

(2) Where transverse bulkheads are spaced a lesser distance, one or more of these bulkheads should be assumed as nonexistent in order to achieve the minimum spacing between bulkheads.

(e) In applying §§ 42.20-5(b), 42.20-10(c), (d), and (f) the specified conditions after flooding, as determined by paragraphs (c) and (d) of this section, should be defined as follows:

(1) The final waterline after flooding taking into account sinkage, heel, and trim is to be below the lower edge of any opening through which progressive flooding may take place. Such openings should include air pipes and those which are closed by means of weathertight doors (even if they comply with § 42.15-10) or covers (even if they comply with § 42.15-30 or § 42.15-45(d)), and may exclude those openings closed by means of manhole covers and flush scuttles (which comply with § 42.15-40), cargo hatch covers of the type described in § 42.20-5(a), watertight doors which are secured closed while at sea and so logged, remotely operated sliding watertight doors, and side scuttles of the nonopening type (which comply with § 42.15-65).

(2) If pipes, ducts, or tunnels are situated within the assumed extent of penetration of damage as defined in paragraph (c)(2) of this section, arrangements should be made so that flooding cannot thereby extend beyond the limits assumed for the calculations of the damaged conditions.

(3) In applying § 42.20-5(b)(2), the angle of heel due to unsymmetrical flooding should not exceed 15°. Since § 42.20-5(b)(2) states that the maximum angle of heel is to be of the order of 15°, if no part of the deck is immersed, an angle of heel of up to 17° may be accepted.

(4) When any part of the deck beyond the limits of flooding is immersed or in any case where the margin of stability in the flooded condition may be considered doubtful, the dynamic stability should be investigated. The dynamic stability may be regarded as sufficient if the righting lever curve has a minimum range of 20° beyond the position of equilibrium in association with a righting lever of at least 0.33 foot.

(5) After flooding, the metacentric height as calculated by the constant displacement method should be at least 2 inches in the upright condition.

(f) Center of gravity, free surface, and loading assumptions:

(1) The height of the center of gravity above base line is assessed allowing for homogeneous loading of all spaces designed to contain cargo and 50 percent of the individual total capacity of all tanks and spaces fitted to contain consumable fluids and ship's stores.

(2) In calculating the height of the center of gravity account should be taken of corrections for free surfaces of consumable liquids. In calculating these corrections it should be assumed that, for each type of liquid, at least one transverse pair or a single center line tank has a free surface and the tank or combination of tanks to be taken into account should be those where the effect of free surfaces is the greatest.

(3) The remaining consumable liquid tanks should be assumed either completely empty or completely filled, and the distribution of the liquids between these tanks should be effected so as to obtain the greatest possible height above the keel for the center of gravity.

(4) The effect of free surface in compartments containing fluid cargoes which may exist in the normal full load condition should be taken into account.

(5) Weights should be calculated on the basis of the following values:

Salt water.....	35.00 cubic feet per long ton.
Fresh water.....	35.88 cubic feet per long ton.
Oil fuel.....	37.77 cubic feet per long ton.
Diesel oil.....	39.86 cubic feet per long ton.
Lubricating oil.....	39.86 cubic feet per long ton.

(g) With regard to tanks situated in the machinery compartments and designed to contain consumable liquids, such as fuel oil and diesel oil, lubricating oil, and fresh water, unless the dynamic stability is required to be investigated in accordance with paragraph (e)(4) of this section, or where the heeling moment due to unsymmetrical flooding of these tanks is appreciable, such tanks will be assumed not to be floodable.

§ 42.20-5 [Amended]

45a. Paragraph (b) of § 42.20-5 *Type "A" vessels* is amended by changing the

word "Commandant" in lines 9 and 10 to read "assigning authority" and by deleting the word "of" in the next to last line.

§ 42.20-10 [Amended]

46. Section 42.20-10 *Type "B" vessels* is amended by changing the word "Commandant" in the next to last line of paragraph (c) to read "assigning authority", by changing the word "this" in line 5 of paragraph (g) to read "that", and by deleting the words "these regulations" from the last two lines of paragraph (h) and substituting therefor the words "the applicable regulations in this Part 42".

§ 42.20-15 [Amended]

47. Section 42.20-15 *Freeboard tables* is amended by inserting the footnote "1" to the right of the word "Freeboard" in the heading, "Freeboard (inches)," of the middle column of Table 42.20-15(b)(1).

§ 42.20-40 [Amended]

48. Section 42.20-40 *Standard height of superstructure* is amended by inserting the words ("in feet") following the heading of the first column of Table 42.20-40(a), "Length (L)".

§ 42.20-45 [Amended]

49. Paragraph (b) of § 42.20-45 *Length of superstructure* is amended by inserting the words "on the basis of an equivalent plane bulkhead" following the last word of the first sentence, and by deleting all of the second sentence following the words "fore and aft extent of the" in line 7 and by substituting therefor the word "curvature."

§ 42.20-55 [Amended]

50. Section 42.20-55 *Trunks* is amended as follows: Paragraph (a)(3) is amended by inserting the words "detached trunks connected to superstructures by efficient" between the words "by" and "permanent" in lines 3 and 4; and paragraph (a)(4) is amended by deleting the word "and" in line 2 and substituting therefor ", by" and by deleting all of the remainder of the sentence beginning with the word ", if" in line 2 and substituting therefor the words "or by other equivalent means;"

§ 42.20-60 [Amended]

51. Section 42.20-60 *Deduction for superstructures and trunks* is amended as follows: Table 42.20-60(b)(2) is revised to read as follows:

TABLE 42.20-60(b)(2)—PERCENTAGE OF DEDUCTION FOR TYPE "B" VESSELS.

	Total effective length of superstructures and trunks											
	Line 0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L	
	<i>Percentage of deduction</i> ¹											
Vessels with forecstle and without detached bridge.....	I	0	5	10	15	23.5	32	40	63	75.3	87.7	100
Vessels with forecstle and detached bridge.....	II	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100

¹ Percentages at intermediate lengths of superstructures and trunks shall be obtained by linear interpolation.

Paragraph (c)(3) of § 42.20-60 is amended by changing the words "subparagraphs (1) and (2)" in line 3 and substituting therefor the words "Table 42.20-60(b)(2) and in subparagraph (1)", and by deleting the words "in feet" in line 7 and substituting therefor "as defined in § 42.13-15(a)".

§ 42.20-60 [Amended]

52. Section 42.20-65 *Sheer* is amended as follows: Paragraph (a) (2) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (a) (3) is amended by changing the word "ships" (twice) in line 1 to read "vessels"; paragraph (a) (4) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (a) (5) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (a) (7) is amended by deleting the words "if subparagraph (6) of this paragraph has not been used,"; paragraph (c) (2) is amended to read:

(2) Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit shall be allowed for the part in excess and deficiency only shall be measured.

Paragraph (c) (3) is revised to read:

(3) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 percent of the standard, credit shall be allowed for the part in excess; where the after part is less than 50 percent of the standard, no credit shall be given for the excess sheer forward. Where the after sheer is between 50 percent and 75 percent of the standard, intermediate allowances may be granted for excess sheer forward.

Paragraph (c) (4) is amended by deleting that portion of the paragraph preceding the formula and substituting therefor "Where sheer credit is given for a poop or forecastle, the following formula shall be used:"; by deleting the words "of sheer" in the seventh line below the formula and substituting therefor the word "ordinate", and by inserting the word "length" between the words "maximum" and "of" in the ninth line below the formula; paragraph (c) (4) (i) is amended by inserting the word "deck" between the words "superstructure" and "shall" in line 8, and by changing the word "ship" in the last line to read "vessel"; paragraph (d) (1) is amended by changing the last word "superstructure" to read "superstructures"; and paragraph (f) (1) is amended by changing the word "ships" (twice) in lines 2 and 7 to read "vessels".

§ 42.20-70 [Amended]

53. Section 42.20-70 *Minimum bow height* is amended as follows: Paragraph (a) (1) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (a) (2) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (b) (1) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (b) (2) is amended by changing the word "ships" in line 1 to read "vessels"; and by changing the word "Commandant" in line 4 to read "assigning authority"; and paragraph (c) is amended by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.20-75 [Amended]

54. Section 42.20-75 *Minimum freeboards* is amended as follows: Paragraph (a) (2) is amended by changing the word "ships" to read "vessels" in line 6; paragraph (b) (1) is amended by inserting the words "top of the" between the words "the" and "keel" in line 6, and by deleting the words "(as defined in § 42.13-15(e) (1))" in lines 6 and 7; paragraph (b) (2) is amended by changing the word "ships" to read "vessels" in line 6, and by deleting "(a) (1)" in line 3 and substituting therefor "(b) (1)"; paragraph (c) (1) is amended by deleting the fraction " $\frac{1}{8}$ " from line 5; paragraph (d) (1) is amended by changing the word "ships" (twice) to read "vessels" in lines 1 and 6; and paragraph (e) (2) is amended by inserting the words "top of the" between the words "the" and "keel" in line 5, and by deleting the words "(as defined in § 42.13-15(e) (1))" in line 5.

Subpart 42.25—Special Requirements for Vessels Assigned Timber Freeboards

§ 42.25-5 [Amended]

55. Paragraph (b) of § 42.25-5 *Definitions of terms used in this subpart* is amended by changing the word "ship" to read "vessel" in line 2, by changing the word "ships" to read "vessels" in line 5, and by changing the word "ship's" to read "vessel's" in line 9.

§ 42.25-10 [Amended]

56. Section 42.25-10 is amended as follows: The heading of the section is changed to read "Construction of vessel"; paragraph (a) is amended by changing the word "Ships" in line 1 to read "Vessels", and the word "ship" in line 4 is changed to read "vessel"; paragraph (b) is amended by changing the word "ship" in line 3 to read "vessel"; and paragraph (c) is amended by changing the word "ship" in line 1 to read "vessel".

§ 42.25-15 [Amended]

57. Section 42.25-15 *Stowage* is amended as follows: Paragraph (a) (2) is amended by deleting the period at the end following the word "superstructure" and adding the following: "other than a raised quarter deck."; paragraph (a) (3) is amended by changing the word "ship" (twice) in lines 1 and 5 to read "vessel"; paragraph (a) (4) is amended by changing the word "ship" to read "vessel" in the last line; and paragraph (b) (1) is amended by changing the word "ship" to read "vessel" in line 4.

§ 42.25-20 [Amended]

58. Section 42.25-20 *Computation for freeboard* is amended by changing the semicolon to a comma between "§§ 42.20-25" and "42.20-30" in line 4, and by inserting "42.20-35," between "42.20-30," and "42.20-60," in lines 4 and 5 of paragraph (a).

Subpart 42.30—Zones, Areas, and Seasonal Periods

§ 42.30-1 [Amended]

59. Paragraph (c) of § 42.30-1 *Basis* is amended by deleting the last two lines, reading "to illustrate the zones and areas defined in this Convention and in this subpart", and substituting therefor the following: "which illustrates the zones and areas defined in this Convention and in this subpart".

§ 42.30-5 [Amended]

60. Section 42.30-5 *Northern winter seasonal zones and area* is amended as follows: Paragraph (b) (1) (i) (a) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (b) (1) (i) (b) is amended by changing the word "ships" in the first line to read "vessels"; and paragraph (c) is amended by changing the word "Cafse" in line 8 to read "Cape".

§ 42.30-20 [Amended]

61. Section 42.30-20 *Seasonal tropical areas* is amended by changing the Tropical Seasonal period in line 2 of paragraph (c) (1) from "September 1 to May 31" to read "December 1 to April 30".

§ 42.30-25 [Amended]

62. Section 42.30-25 *Summer zones* is amended by changing the word "ships" in line 1 of paragraph (a) (1) to read "vessels".

§ 42.30-30 [Amended]

63. Section 42.30-30 *Enclosed seas* is amended as follows: Paragraph (a) (1) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (b) (1) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (c) is amended by inserting the word "Summer" between the words "the" and "Zones" in line 2; paragraph (c) (1) is amended by changing the word "ships" to read "vessels" in line 1; and paragraph (d) (1) is amended by changing the word "ships" in line 1 to read "vessels".

64. The heading of Subpart 42.35 is revised to read as follows:

Subpart 42.35—Load Line Assignment and Surveys; Fees and Other Expenses

65. Section 42.35-1(c) is amended to read as follows:

§ 42.35-1 Scale of fees.

(c) The provisions of this section including additional fees, as applicable, may be applied to either classed or unclassified vessels in the following cases:

(1) Where due to alterations or changes in service, a new freeboard may be required; or

(2) Where freeboard assignment is based upon additional work associated with damage stability or flooding data preparation or review by the assigning authority.

66. Section 42.35-5 is amended by changing the headnote to read as follows:

§ 42.35-5 Fees for reissue of load line certificates.

66a. Paragraph (a) of § 42.35-5 is amended by changing in line 2 the word "renewal" to read "reissue".

67. Section 42.35-10 is amended by changing the headnote to read as follows:

§ 42.35-10 Fees for annual load line survey.

67a. Section 42.35-10 is amended by changing in paragraph (a) the word "inspection" in lines 1 and 2 to read "survey"; and by changing in paragraph (b) the word "inspection" in line 2 to read "survey".

Subpart 42.50—Load Line Certificates—Model Forms

68. Section 42.50-1 is amended to read as follows:

§ 42.50-1 General.

(a) The provisions of this subpart set forth the requirements for the text of the various load line certificates issued to vessels complying with the applicable requirements in this part. See §§ 42.07-35 and 42.07-40 for requirements regarding load line assigning and issuing authorities. See § 42.07-45 for requirements regarding load line certificates, their text and arrangement.

(b) The 1966 international load line certificate and exemption certificate shall be the same as set forth in this subpart in the model Forms A1, A2, A3, and E1, except for the following authorized variations which shall also apply to model Forms B, C1, C2, and C3:

(1) As indicated in § 42.13-30, the freeboards and load line marks which are not applicable to a specific vessel need not be entered on the certificate issued.

(2) The provisions of Note 3 on the front of the certificate forms (other than Model E1) may be changed to correctly describe the situation applicable to the vessel concerning information and instructions furnished the master about loading and ballasting the vessel to provide a guide as to stability under various conditions and as to avoid unacceptable stresses in the vessel's structure.

(c) In the load line certificate the assigning and issuing authority shall set forth its full official designation; i.e., its legal name, address of home office, and reference to the authorization from the Commandant where an assigning and issuing authority other than the American Bureau of Shipping is designated.

§ 42.50-5 [Amended]

69. Section 42.50-5 *International load line certificates* is amended by changing various portions thereof as follows:

a. Paragraph (a) is amended by deleting the colon at the end of line 10 and

the remainder of the paragraph (subparagraphs (1) through (4)) and substituting therefor the following: "A1, A2, A3, and E1. The detailed application of these forms is as specified in § 42.07-45 (e), (f), and (h)."

b. Paragraph (b) is amended by making the following changes: The front of the International Load Line Certificate (1966) (Form A1) is changed as follows: The column containing the heading "Distinctive number or letters" is changed to read "Official number or distinctive letters"; the words "periodical inspections" in line 1 of the third paragraph below footnote 1 are changed to read "annual surveys", and footnote 2 is revised to read "At the expiration of this certificate, applicable reissuance should be obtained in accordance with the Load Line Regulations."

c. The reverse side of the certificate is changed as follows: The heading "Annual Inspections" is changed to read "Annual Surveys"; the words "a periodical inspection" in the first line are changed to read "an annual survey"; the second heading "Renewal of Load Line Certificate" is changed to read "Extension of Load Line Certificate"; Note 5(a) is revised to read "The annual surveys have not been carried out within 3 months either way of each anniversary of the certificate date"; and Note 5(b) is revised to read "The certificate is not endorsed to show that the ship has been surveyed as indicated in (a)."

d. Paragraph (e) of § 42.50-5 is amended by making the following changes: The front of the International Load Line Exemption Certificate (Form E1) is revised as follows: The words "and exemption" are inserted between the words "assigning" and "purposes" in the first line under "(Insert full official designation of issuing authority)"; the

column containing the heading "Distinctive number or letters" is changed to read "Official number or distinctive letters"; the period following the word "above" in the third line of the second full paragraph of the form is deleted and the following words are added: "and that this ship has been surveyed accordingly."; the words "periodical inspections" in the third and fourth lines above the line designated "(signature of official issuing the certificate)" are changed to read "annual surveys", and footnote 2 is revised to read: "At the expiration of this certificate, applicable reissuance should be obtained in accordance with the Load Line Regulations, if permitted." The reverse side of Form E1 is revised as follows: The heading "Annual Inspections" is changed to read "Annual Surveys", and the second heading "Renewal of Load Line Certificate" is changed to read "Extension of Load Line Exemption Certificate".

70. Section 42.50-10 is revised to read as follows:

§ 42.50-10 Load line certificate for non-adherent foreign flag vessels.

(a) The form of load line certificate certifying to the correctness of the load line marks assigned under the regulations in this subchapter to nonadherent foreign flag vessels as specified in § 42.07-45 (e) (2) is:

(1) Form B for general use. The period of validity shall be as expressed in § 42.09-20 (c).

(b) The text and arrangement of the printed portion of Form B shall be identical with the information on the face and reverse sides of Form A1 certificate in § 42.50-5 (b) except for title of certificate, model form, the first paragraph, and the wording of the certificate for issuance and revalidation, which shall be as follows:

**LOAD LINE CERTIFICATE
(FORM B)**

(Official seal of issuing authority.)
(Certificate No.)

Issued under the authority of the Commandant, U.S. Coast Guard, United States of America, under the provisions of the Load Line Act of March 2, 1929, as amended (46 U.S.C. 85-85g), and the Load Line Regulations in 46 CFR Part 42:

By _____
(Insert full official designation of issuing authority)
and duly authorized for assigning purposes under the provisions of the Load Line Act of March 2, 1929, as amended.

This is to certify that this ship has been surveyed and the freeboards have been assigned and load lines shown above have been marked upon the vessel in manner and location as required by the Load Line Regulations of the Commandant, U.S. Coast Guard, in 46 CFR Part 42.

This certificate remains in force until _____, subject to annual revalidation in accordance with the Load Line Regulations, and endorsement thereof on the reverse side of this certificate.

Issued at _____
(Place of issue of certificate) (Date of issue)

(Signature of official issuing the certificate)
[Seal of issuing authority]

* Expiration date is not to exceed 5 years from original date of issue of this certificate. At expiration applicable reissuance of this certificate should be obtained in accordance with the Load Line Regulations.

(Reverse Side of Certificate)
ANNUAL REVALIDATION OF CERTIFICATE

This is to certify that the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are fully complied with by the condition of this ship on the dates indicated, and in each case this certificate is revalidated for a 1 year interval as follows:

- (1) Until _____
Place _____ Date _____
(Signature and seal of issuing authority)
- (2) Until _____
Place _____ Date _____
(Signature and seal of issuing authority)
- (3) Until _____
Place _____ Date _____
(Signature and seal of issuing authority)
- (4) Until _____
Place _____ Date _____
(Signature and seal of issuing authority)

§ 42.50-15 [Amended]

71. Section 42.50-15 *Coastwise load line certificates for U.S.-flag vessels* is amended as follows: Paragraph (a) is amended by deleting the words "or Part 43 of this subchapter are:", and substituting therefor the words "are C1, C2 and C3. The detailed application of these forms is as specified in § 42.07-45(e)."; delete paragraph (a) (1), (2), and (3). Paragraph (c) is amended as follows: The front of the Coastwise Load Line Certificate (Form C1) is changed as follows: The column containing the heading "Distinctive number or letters" is changed to read "Official number or distinctive letters", the period at the end of the second paragraph above the line designated "(Place of issue of certificate)" is deleted and the words ", as applicable" substituted therefor, the words "periodical inspections" in the first line in the paragraph above the line designated "(Place of issue of certificate)" are deleted and the words "annual surveys" are substituted therefor, the words "(Name of issuing authority)" and the dashed line immediately above it, including the word, "By" are deleted; the word, "By" is added to the left of the dashed line designated, "(Signature of official issuing the certificate)", and footnote 2 is revised to read: "At the expiration of this certificate, applicable reissuance should be obtained in accordance with the Load Line Regulations."

On the reverse side, the Coastwise Load Line Certificate is amended as follows: The heading "Annual Inspections" is changed to read "Annual Surveys", the first sentence under the new heading "Annual Surveys" is revised to read "This is to certify that this ship has been surveyed on the dates indicated to determine in each case whether this certificate should remain in force for an additional 1 year and the survey has been completed to my satisfaction."; the numeral "(1)" is inserted in front of the dashed line following the amended first sentence under the new heading "Annual Surveys"; on the fourth line below this change, the numeral "(2)" is inserted in front of the dashed line, and in the eighth line below, the numeral "(3)" is inserted in front of the dashed line, and on the twelfth line below, the numeral

"(4)" is inserted in front of the dashed line; the three full sentences between the preceding lines which read "I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction" are each deleted; the heading "Renewal of Coastwise Load Line Certificate" is changed to read "Extension of Load Line Certificate", the sentence following the new heading "Extension of Load Line Certificate" is revised to read "The provisions of the Coastwise Load Line Regulations of the Commandant, U.S. Coast Guard, being fully complied with by this ship, this certificate is extended under the authority of 46 CFR 42.07-45 and 42.09-15 until _____", Note 4 is changed by deleting all section numbers following "46 CFR" in line 2 and substituting therefor the words, "Subpart 42.30, as appropriate", Note 5(a) is changed by deleting the words "periodic inspections" in line 1 and substituting therefor the word "surveys", and by deleting the words "date of the certificate" in line 2 and substituting therefor the words "of the certificate date", and Note 5(b) is changed by deleting the word "inspected" in line 1 and substituting therefor the word "surveyed".

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Interpret or apply International Convention on Load Lines, 1966; Treaties and other International Acts Series 6331, proclaimed Sept. 7, 1967)

PART 43—FOREIGN OR COASTWISE VOYAGES BY EXISTING MERCHANT VESSELS

Subpart 43.01—Administration

§ 43.01-1 [Amended]

1. Section 43.01-1 *Establishment of load lines* is amended by adding the following sentence at the end of paragraph (d) (3): "Since Convention requirements are at least equivalent to coastwise requirements, load line assignment and certification under convention requirements only, is necessary."

2. Section 43.01-25 (b), (c), and (d) are amended to read as follows:

§ 43.01-25 New and existing vessels.

(b) The marking assignment and certification of all vessels whose keels are laid, or which are at a similar stage of construction, on or after July 21, 1968, shall meet the requirements in Part 42 of this subchapter. These vessels are considered to be "new vessels" for use of the certificate forms in Subpart 42.50 of this subchapter.

(c) For the purpose of certification of load lines on the International Load Line Certificate in § 42.50-5 of this subchapter, all vessels complying with the requirements in this part are considered to be "existing" vessels. However, for application of requirements in this part for load line marking and assignment, a "new vessel" is one whose keel was laid on or after July 1, 1932, and prior to July 21, 1968; all other vessels whose keels were laid prior to July 1, 1932, and engaged on international voyages are regarded as "existing vessels".

(d) For the purpose of certification of load lines on the Coastwise Load Line Certificate in § 42.50-15 of this subchapter, all vessels complying with the Coastwise Load Line requirements in this part are considered to be "existing" vessels. However, for application of requirements in this part for load line marking and assignment, a "new vessel" is one whose keel was constructively laid prior to July 21, 1968, and on or after November 27, 1935, if of 4,000 gross tons and over, or on or after August 27, 1936, if less than 4,000 gross tons; all other vessels whose keels were laid prior to November 27, 1935, or August 27, 1936, respectively, and engaged on coastwise voyages are regarded as "existing vessels".

§ 43.01-55 [Amended]

3. Paragraph (b) of § 43.01-55 is amended by inserting a period ".", after the word "vessel" in line 4 and deleting the remainder of the paragraph.

4. The heading and text of § 43.01-60 are amended to read as follows:

§ 43.01-60 Application for assignment, surveys, and certification.

(a) The application for assignment, surveys, and certification (including reissue) of load lines under this part shall be made by the owner, master, or agent in accordance with the procedures and requirements in §§ 42.11-1 to 42.11-20, inclusive of this subchapter.

5. Section 43.01-75 is amended as follows: The heading is amended, paragraph (a) is amended and paragraph (b) is revoked. As amended, § 43.01-75 reads as follows:

§ 43.01-75 Validity and reissue of certificates.

(a) The assignment of load lines is conditioned upon the structural efficiency of the vessel and upon the provision of effective protection to vessel and crew. The Act of March 2, 1923, as amended (46 U.S.C. 85-85g), and the Coastwise Load Line Act, 1935, as

amended (46 U.S.C. 88-88i), provide that every vessel required to be marked shall be surveyed. The assigning authority at least once in each 5 years shall survey such a vessel to determine that the load lines are then correctly placed as required by this part. If the load line mark be found correct for the vessel in the condition she is then in, the certificate shall be reissued for such time as the condition of the vessel then warrants, but in no case for a period longer than 5 years. The facts associated with annual revalidation and extension of certificate shall be attested to by endorsement upon the back of the certificate.

6. Section 43.01-95 is revised in entirety to read as follows:

§ 43.01-95 Logbook entries.

The requirements of § 42.07-20 of this subchapter shall apply to all vessels subject to this part.

7. Section 43.01-97 is revised in entirety to read as follows:

§ 43.01-97 Control.

The requirements of § 42.07-60 of this subchapter apply.

8. Section 43.01-100 is revised in entirety to read as follows:

§ 43.01-100 Approval of the Commandant, U.S. Coast Guard.

The requirements of § 42.07-25 of this subchapter apply.

Subpart 43.40—Zones and Seasonal Areas and Miscellaneous Requirements

9. Section 43.40-5 is revised to read as follows:

§ 43.40-5 Fees, travel expenses.

(a) For the purpose of the regulations in this part, fees and traveling expenses payable by owners to the assigning and issuing authority for load line services rendered shall be as specified in Subpart 42.35 of this subchapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subpart 45.01—Administration

1. Section 45.01-40(c) is amended to read as follows:

§ 45.01-40 Annual load line inspection.

(c) The assigning authority shall make this inspection and report thereon to the owners of the vessel.

2. Section 45.01-80 is revised to read as follows:

§ 45.01-80 Logbook entries required.

The requirements of § 42.07-20 of this subchapter shall apply to vessels subject to this part.

3. Section 45.01-85 is revised to read as follows:

§ 45.01-85 Control.

The requirements of § 42.07-60 of this subchapter apply.

4. Section 45.01-90 is revised to read as follows:

§ 45.01-90 Approval of the Commandant.

The requirements of § 42.07-25 of this subchapter apply.

(Sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

Subpart 46.10—Administration

§ 46.10-30 [Amended]

1. Section 46.10-30 *Subdivision load line certificates* is amended by changing

"§ 42.07-40(d)" in the last line of paragraph (d) to read "§§ 42.09-15 and 42.09-20", by changing "§ 42.09-1(c)(1) in the next to last line of paragraph (e) to read "§ 42.09-1(c)".

2. Section 42.10-60 is revised to read as follows:

§ 46.10-60 Control.

(a) The District Director of Customs or the Coast Guard District Commander may detain a passenger vessel for a survey if there is reason to believe that such a vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load lines certified on the safety certificate, load line certificate, or otherwise. The Coast Guard District Commander may detain a passenger vessel if it is so loaded as to be manifestly unsafe to proceed to sea. Except as otherwise required by this section, § 42.07-60 of this subchapter applies to all passenger vessels assigned load lines under the load line acts and the regulations of this subchapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 482, 483, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 11239, 3 CFR, 1965 Supp.)

Effective date. These amendments shall become effective on the date of publication of this document in the FEDERAL REGISTER.

Dated: May 27, 1969.

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

[F.R. Doc. 69-6510; Filed, June 4, 1969; 8:45 a.m.]

