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NOTICE

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FEDERAL REGISTER

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the positions of one Special Assistant and one Confidential Assistant to the General Counsel of the Office of the Special Representative for Trade Negotiations are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are added to paragraph (d) of § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(d) *Office of the Special Representative for Trade Negotiations.* * * *

(2) One Special Assistant to the General Counsel.

(3) One Confidential Assistant to the General Counsel.

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

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

[F.R. Doc. 69-7781; Filed, July 1, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Grapefruit Reg. 35, Amdt. 5]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizozna; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., 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 recommendation of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of grapefruit grown in Arizona and the designated part of California.

Order. In § 909.335 (Grapefruit Reg. 35; 33 F.R. 15295; 34 F.R. 810, 5907, 7283, 8895) paragraph (a)(1) preceding (a)(1)(i) is amended, a new paragraph (a)(3) is added, and paragraph (b) is amended, to read as follows:

§ 909.335 Grapefruit Regulation 35.

(a) *Order.* (1) Except as otherwise provided in subparagraphs (2) and (3) of this paragraph, during the period June 29, through August 30, 1969, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

* * * * *

(3) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches but not smaller than $3^{5}/_{16}$ inches in diameter directly to a destination in Zone 1: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than $3^{5}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{5}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{15}/_{16}$ inches in diameter and smaller.

(b) As used herein, "handler," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated, June 27, 1969, to become effective June 29, 1969.

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

[F.R. Doc. 69-7815; Filed, July 1, 1969; 8:49 a.m.]

[Grapefruit Reg. 10, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895; 34 F.R. 7898) are hereby amended to read as follows:

§ 944.106 Grapefruit Regulation 10.

(a) On and after July 7, 1969, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{15}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{7}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby 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 time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports

of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 67 (§ 905.506); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated, June 26, 1969, to become effective July 7, 1969.

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

[F.R. Doc. 69-7816; Filed, July 1, 1969; 8:49 a.m.]

[947.328]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Oregon-Northern California potatoes and the marketing prospects for this season. Harvesting is expected to begin on or about July 7 and the regulation should become effective on that date.

The grade, size, cleanliness, and maturity requirements provided herein are necessary to prevent immature potatoes, and those that are of undesirable sizes, or below grade from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designated to meet the different requirements for such outlets.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) producers and handlers have operated under the said marketing order program since 1948 so special preparation by handlers is not required, (4) information regarding the committee's recommendations relating to the marketing policy and proposed regulations were made available to producers and handlers in the production area on June 16, 1969, (5) the regulations hereinafter set forth are similar to those recommended and contained in the initial regulation made effective at the beginning of last season, (6) the committee's recommendations as to the regulation hereinafter set forth were submitted promptly to the Department (after a telephone vote relaxed the 6-ounce minimum size for U.S. No. 2 grade initially recommended) and were received on June 23, 1969, and (7) compliance with these regulations will not require special preparation by handlers which cannot be completed by the effective date.

§ 947.328 **Limitation of shipments.**

During the period July 7, 1969, through October 14, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Grade, size and cleanliness requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* All varieties—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—"Generally fairly clean."

(b) *Maturity (skinning) requirements.* (1) All varieties—"Moderately skinned" through September 30, 1969, and "slightly skinned" thereafter.

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, or prepeeled products, potato chips, or potato sticks.

(3) Charity.

(4) Starch.

(5) Export.

(6) Canning or freezing.

(7) Dehydration.

(8) Prepeeling.

(9) Potato chipping.

(10) Potato sticks (French fried shoestring potatoes). *Provided,* That all varieties of potatoes handled pursuant to subparagraphs (7) through (10) of this paragraph shall be of "U.S. No. 2 Potatoes for Processing" grade or better, 1½ inches minimum diameter.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a certificate of privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each certificate of privilege.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (5) through (10) of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2), (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a certificate of privilege to make such shipments.

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph.

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's certificate of privilege and/or the receiver's eligibility to receive further shipments pursuant to any certificate of privilege. Upon the cancellation of any such certificate of privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, or unless handled for potato chipping or prepeeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* (1) The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(2) The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean."

(3) The term "U.S. No. 2 Potatoes for Processing" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes for Processing (§§ 51.3410–51.3424 of this title), including the tolerances set forth therein.

(4) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

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

Dated June 27, 1969, to become effective July 7, 1969, at 12:01 a.m. at which time § 947.327 *Limitation of Shipments* (33 F.R. 15296; 34 F.R. 1228) shall terminate.

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

[F.R. Doc. 69-7817; Filed, July 1, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 9676; Amdt. 39-792]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 745D and 810 Series Aircraft

There have been fatigue cracks detected on the spar booms of the Vickers Viscount Models 745D and 810 Series Aircraft. In view of the serious consequences of a spar boom failure and since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive (AD) is being issued to require replacement of the spar booms before they exceed 90 percent of the retirement life approved prior to April 1, 1969.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS VISCOUNT. Applies to Viscount Model 745D and 810 Series Aircraft.

Compliance required as indicated unless already accomplished.

To prevent fatigue damage to the inner section and center section lower wing spar booms accomplish the following:

(a) Replace the center section lower spar boom and the inner section lower spar boom with new booms of the same part number before they have exceeded 90 percent of the approved retirement time specified in the last applicable Viscount Instruction Manual, Chapter 3, Overhaul Schedule Section, dated before April 1, 1969, or within the next 250 landings whichever occurs later, after the effective date of this AD.

(b) All new center section and inner section lower wing spar booms that are installed in accordance with the requirements of paragraph (a) of this AD must be replaced before the accumulation of the revised retirement times as specified in the latest amendment to the Viscount Instruction Manual, Chapter 3, Overhaul Schedule Section, dated after April 1, 1969.

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective July 7, 1969.

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

Issued in Washington, D.C., on June 25, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-7766; Filed, July 1, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9674; Amdt. 95-181]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective 24 July 1969, as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal airway 8* is amended to read in part:

From, To, and MEA

Shemya, Alaska, LF/RBN; Anvil INT, Alaska; 6,000.
Anvil INT, Alaska; Adak, Alaska, LF/RBN; 8,000.
Adak, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; *9,000. *8,700—MOCA.
Mordvinoff INT, Alaska; Cold Bay, Alaska, LFR; 6,000.
Cold Bay INT, Alaska; Marlin INT, Alaska; 4,500.
Marlin INT, Alaska; Crab INT, Alaska; *2,000. *5,000—MEA required without HF airborne communications equipment.
Crab INT, Alaska; King Salmon, Alaska, LFR; *2,000. *9,000—MEA required without HF airborne communications equipment.

Section 95.51 *Green Federal airway 11* is amended to read in part:

Shemya, Alaska, LF/RBN; Amchitka, Alaska, LF/RBN; 6,000.
Amchitka, Alaska, LF/RBN; Adak, Alaska, LF/RBN; *8,000. *7,900—MOCA.
Adak, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; *9,000. *8,700—MOCA.
Mordvinoff INT, Alaska; *Cold Bay, Alaska, LFR; **6,000. *5,300—MEA Cold Bay LFR, southwestbound. **8,000—MEA required without HF airborne communications equipment.

Section 95.1001 *Direct routes—United States* is amended to delete:

Battle Mountain, Nev., VORTAC; Lucin, Utah, VOR; 18,000. MAA—45,000.
Biscayne Bay, Fla., VOR; Bonefish INT, Fla.; *2,000. *1,300—MOCA.
Bluff INT, Ala.; Huntsville, Ala., VOR; 2,600.
Bonefish INT, Fla.; Nimrod INT, Fla.; *2,000. *1,000—MOCA.
Eufaula, Ala., VOR; Macon, Ga., VOR; *2,100. *2,000—MOCA.
Los Banas, Calif., VOR; *Holy City INT, Calif.; **10,000. *10,000—MCA Holy City INT, eastbound. **6,000—MOCA.
Paige INT, Tex.; College Station, Tex., VOR; *4,500. *1,600—MOCA.
Prudhoe Bay, Alaska, NDB; Hills INT, Alaska; *3,000. *1,200—MOCA.
Sagwon, Alaska, NDB; Juniper INT, Alaska; 4,000.
*Sagwon, Alaska, NDB; Prudhoe Bay, Alaska, NDB; 4,000. *4,000—MCA Sagwon NDB, southeastbound.
Salinas, Calif., VOR; Holy City INT, Calif.; 6,000.
Salinas, Calif., VOR; Morgan INT, Calif.; 5,000.
San Jose, Calif., VOR; Holy City INT, Calif.; 6,000.
Woodside, Calif., VOR; Holy City INT, Calif.; 6,000.

Section 95.1001 *Direct routes*—United States is amended by adding:

Franklin INT, Alaska; Prudhoe Bay, Alaska, LF/RBN; *2,000. *1,800—MOCA.
Fin INT, Alaska; Juniper INT, Alaska; *3,000. *2,300—MOCA.
Fort Yukon, Alaska, VOR; Flaxman Island, Alaska, LF/RBN; # 12,000. # MEA is established with a gap in navigation signal coverage.
Freeport, Bahamas, LF/RBN; Grand Bahama, Bahamas, LF/RBN; *2,000. *1,400—MOCA. MAA—39,000.
Fresto INT, Alaska; Hills INT, Alaska; *3,000. *2,400—MOCA.
Grand Bahama, Bahamas, LF/RBN; Marshall INT, Bahamas; *6,000. *1,400—MOCA. MAA—39,000.
Juniper INT, Alaska; Flaxman, Alaska, LF/RBN; *2,000. *1,900—MOCA.
Prudhoe Bay, Alaska, LF/RBN; Fresto INT, Alaska; *2,000. *1,800—MOCA.
Sagwon, Alaska, LF/RBN; Fin INT, Alaska; 3,000.
Sagwon, Alaska, LF/RBN; Franklin INT, Alaska; 3,000.

Section 95.1001 *Direct routes*—United States is amended to read in part:

Baltimore, Md., VOR; Salisbury, Md., VOR; 2,200.
Beaver INT, Alaska; *Chandalar, Alaska LF/RBN; **7,000. *8,000—MCA Chandalar LF/RBN northwestbound. **6,900—MOCA.
Bettles, Alaska, LF/RBN; *Coleville INT, Alaska; **10,000. *5,000—MCA Coleville INT, southeastbound. **9,000—MOCA.
Biscayne Bay, Fla., VOR; Guppy INT, Fla.; *2,000. *1,300—MOCA.
Biscayne Bay, Fla., VOR; Int. 008° M rad, Bimini, Nassau, VOR and 036° rad, Biscayne Bay, Fla., VOR (via Control 1150); *9,000. *1,300—MOCA.
Cairns, Ala., VOR; Hartford INT, Fla.; *2,000. *1,400—MOCA.
Chandalar, Alaska, LF/RBN; *Sagwon, Alaska, LF/RBN; 10,000. *4,100—MCA Sagwon LF/RBN southeastbound.
Chip River INT, Alaska; Point Barrow, Alaska, LF/RBN; *2,000. *1,900—MOCA.
Coleville INT, Alaska; Chip River INT, Alaska; *4,000. *3,600—MOCA. *10,000—MEA required without HF airborne communications equipment.
Fairbanks, Alaska, LFR; Beaver, INT, Alaska; *7,000. *6,000—MOCA.
Fort Myers, Fla., VOR; Roberts INT, Fla.; 2,000.
Guppy INT, Fla.; INT Biscayne Bay, Fla.; VOR 052° (via Control 1150) *4,000. *1,200—MOCA.
Hartford INT, Fla.; Marianna, Fla., VOR; *2,000. *1,500—MOCA.
Hills INT, Alaska; Umiat, Alaska, LF/RBN; *3,000. *10,000—MEA required without HF airborne communications equipment. *2,700—MOCA.
Homestead AFB, Fla., VOR; Biscayne Bay, Fla., VOR; *1,500. *1,300—MOCA.
INT, 067° M rad, Andrews VOR and 037° M rad, Nottingham VOR; Bodkin INT, Md.; 2,200.
Panama City, Fla., VOR; Greenhead INT, Fla.; *1,800. *1,500—MOCA.
Toolik INT, Alaska; Bettles, Alaska, LF/RBN; *10,000. 9,600—MOCA.
Umiat, Alaska, LF/RBN; Bettles, Alaska, LF/RBN; *10,000. *8,300—MOCA.
Umiat, Alaska, LF/RBN; Point Barrow, Alaska, LF/RBN; *3,000. *10,000—MEA required without HF airborne communications equipment. *2,000—MOCA.

Panama Routes

V–3:
40-mile DME Fix via 009° M rad, Champion INT, C.Z.; *10,500. *1,000—MOCA.
France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

V–4:
France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to delete:

Boise, Idaho, VOR; via S alter.; Canyon Creek INT, Idaho, via S alter.; 7,000.
Canyon Creek INT, Idaho, via S alter.; Jerome INT, Idaho, via S alter.; 8,000.
Jerome INT, Idaho, via S alter.; Burley, Idaho, VOR, via S alter.; 6,500.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Centralia, Ill., VOR via S alter.; Evansville, Ind., VOR via S alter.; 2,400.
Hill City INT, Idaho, via N alter.; Soldier INT, Idaho, via N alter.; *12,500. *9,200—MOCA.
Soldier INT, Idaho, via N alter.; *Kinzie INT, Idaho, via N alter.; northwestbound; 12,500; southeastbound; 8,000. *11,200—MCA Kinzie INT, northwestbound.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Cordova, Ill., VOR; Harmon INT, Ill.; *2,400. *2,100—MOCA.
Harmon INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Cordova, Ill., VOR; Harmon INT, Ill.; *2,400. *2,100—MOCA.
Harmon INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Iron Mountain, Mich., VOR; Houghton, Mich. VOR; *3,600. *3,100—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to delete:

*Santa Barbara, Calif., VOR; Inez INT, Calif.; **8,700. *7,000—MCA Santa Barbara VOR, eastbound. **8,000—MOCA.
Inez INT, Calif.; *Fillmore, Calif., VOR; 8,700. *7,800—MCA Fillmore VOR, northwestbound.

Section 95.6012 *VOR Federal airway 12* is amended by adding:

Gaviota, Calif., VOR; Santa Barbara, Calif., VOR; 6,000.
Santa Barbara, Calif., VOR; Henderson INT, Calif.; *7,000. *6,600—MOCA.
Henderson INT, Calif.; *Fillmore, Calif., VOR; **6,000. *5,100—MCA Fillmore VOR, westbound. **5,900—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Adrian INT, Tex.; *Tower INT, Tex.; **6,000. *7,000—MRA. **5,400—MOCA.
Tower INT, Tex.; Amarillo, Tex., VOR; *6,000. *5,900—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Erie, Pa., VOR via N alter.; Buffalo, N.Y., VOR via N alter.; 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Indianapolis INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; 1,800.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Pine Bluff, Ark., VOR; Walls INT, Miss.; *4,000. *1,500—MOCA.
Pine Bluff, Ark., VOR via S alter.; Prichard INT, Miss., via S alter.; *5,000. *1,800—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

San Antonio, Tex., VOR via W alter.; Blanco INT, Tex., via W alter.; *3,300. *2,800—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Monroe, La., VOR via N alter.; *Phoenix INT, Miss., via N alter.; 2,300. *2,800—MRA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Billings, Mont., VOR; *Musselshell INT, Mont.; 6,000. *8,500—MRA.
Musselshell INT, Mont.; Forest Grove INT, Mont.; 7,700.
Forest Grove INT, Mont.; Lewistown, Mont., VOR; *7,700. *7,500—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Corpus Christi, Tex., VOR via N alter; Woodsboro INT, Tex., via N alter.; *1,600. *1,300—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to delete:

Santa Barbara, Calif., VOR via W alter.; Gaviota, Calif., VOR via W alter.; 6,000.
Gaviota, Calif., VOR via W alter.; Orcutt INT, Calif., via W alter.; 6,000.
Orcutt INT, Calif., via W alter.; San Luis Obispo, Calif., VOR via W alter.; northwestbound 4,000; southeastbound 6,000.
San Luis Obispo, Calif., VOR via W alter.; Paso Robles, Calif., VOR via W alter.; 5,000.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Ventura, Calif., VOR; Henderson INT, Calif.; 5,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

Cartter INT, Ill.; Evansville, Ind., VOR; 4,500.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Houston INT, Ind.; Morgantown INT, Ind.; *2,800. *2,100—MOCA.
Morgantown INT, Ind.; Indianapolis, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Crandall INT, Ga.; Murphy INT, N.C.; 6,000.
Murphy INT, N.C.; Harris, Ga., VOR; *6,000. *5,700—MOCA.

Section 95.6059 *VOR Federal airway 59* is amended by adding:

Newcomerstown, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

*Bandera INT, Tex.; San Antonio, Tex., VOR; **3,000. *4,300—MRA. **2,800—MOCA.

Section 95.6073 *VOR Federal airway 73* is amended by adding:

Wichita, Kans., VOR via E alter.; Walton INT, Kans., Via E alter.; 3,400.
Walton INT, Kans., via E alter.; Canton INT, Kans., via E alter.; *3,300. *3,000—MOCA.
Canton INT, Kans., via E alter.; Salina, Kans., VOR via E alter.; *3,300. *2,700—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR; Kingsland INT, Tex.; *3,000. *2,700—MOCA.
Llano, Tex., VOR via S alter.; Granite INT, Tex., via S alter.; *3,300. *2,800—MOCA.
Granite INT, Tex., via S alter.; Capitol INT, Tex., via S alter.; *3,000. *2,700—MOCA.
Kingsland INT, Tex.; Beth INT, Tex.; *3,000. *2,600—MOCA.
Beth INT, Tex.; Lake Travis INT, Tex.; *3,000. *2,300—MOCA.
Austin, Tex., VOR; *Butler INT, Tex.; **2,200. *3,000—MRA. **2,100—MOCA.
Butler INT, Tex.; Bastrop INT, Tex.; *2,500. *1,700—MOCA.
Bastrop INT, Tex.; Industry, Tex., VOR; *2,200. *1,800—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Plainview, Tex., VOR; *Canyon INT, Tex.; 5,000. *8,000—MRA.
Canyon INT, Tex.; Amarillo, Tex., VOR; 4,800.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Darby INT, Fla.; Shrimp INT, Fla.; *4,000. *1,200—MOCA.
Shrimp INT, Fla.; *Scallop INT, Fla.; **5,000. *3,000—MRA. **1,200—MOCA.
Scallop INT, Fla.; *Lobster INT, Fla.; **6,000. *3,000—MRA. **1,100—MOCA.
Lobster INT, Fla.; Tallahassee, Fla., VOR; *2,000. *1,600—MOCA.
Arcadia INT, Fla., via E alter.; Lakeland, Fla., VOR, via E alter.; *2,000. *1,500—MOCA.
Lakeland, Fla., VOR, via E alter.; Bayport INT, Fla., via E alter.; *1,800. *1,500—MOCA.
Bayport INT, Fla., via E alter.; *Richey INT Fla., via E alter.; **3,000. *2,500—MRA. **1,200—MOCA.
Richey INT, Fla., via E alter.; Shrimp INT, Fla., via E alter.; *5,000. *1,200—MOCA.
St. Petersburg, Fla., VOR via W alter.; *Oyster INT, Fla., via W alter.; **1,600. *4,000—MRA. **1,300—MOCA.
Oyster INT, Fla., via W alter.; *Scallop INT, Fla., via W alter.; **3,400. *3,000—MRA. **1,000—MOCA.
Scallop INT, Fla., via E alter.; Cross City, Fla., VOR via E alter.; *1,500. *1,200—MOCA.
Cross City, Fla., VOR via E alter.; Tallahassee, Fla., VOR via E alter.; *2,000. *1,600—MOCA.
Blue Ridge INT, Ga.; Murphy INT, N.C.; *8,000. *5,300—MOCA.
Murphy INT, N.C.; Howard INT, Tenn.; 8,000.

Section 95.6101 *VOR Federal airway 101* is amended to delete:

Kinzie, INT, Idaho; Int, 305° M rad Burley VOR and 269° M rad, Pocatillo VOR; *12,500. *9,200—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Burley, Idaho, VOR; *Kinzie INT, Idaho; **8,000. *11,200—MCA Kinzie INT, northwestbound. **7,000—MOCA.
Kinzie INT, Idaho; Soldier INT, Idaho; northwestbound 12,500; southeastbound 8,000.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

Casa Grande, Ariz., VOR; Phoenix, Ariz., VOR; *5,000. *4,200—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Lewistown, Mont., VOR; Forest Grove INT, Mont.; *7,700. *7,500—MOCA.
Forest Grove INT, Mont.; Miles City, Mont., VOR; *9,000. *7,500—MOCA.

Section 95.6127 *VOR Federal airway 127* is amended to read in part:

Wyanet INT, Ill.; Harmon INT, Ill.; *2,600. *1,800—MOCA.
Harmon INT, Ill.; Polo, Ill., VOR; *2,600. *2,100—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Coffield, N.C., VOR; *Sunbury INT, N.C.; **2,000. *2,500—MRA. **1,300—MOCA.

Section 95.6156 *VOR Federal airway 156* is added to read:

Moline, Ill., VOR; Bradford, Ill., VOR; 2,800.
Bradford, Ill., VOR; Peotone, Ill., VOR; *2,600. *2,100—MOCA.
Peotone, Ill., VOR; Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; *2,500. *2,200—MOCA.
Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; Int, 096° M rad, Peotone VOR and 237° M rad, Knox VOR; *4,000. *2,200—MOCA.
Int, 096° M rad, Peotone VOR and 237° M rad Knox VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.
Knox, Ind., VOR; South Bend, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Alma, Ga., VOR; *Baxley INT, Ga.; 2,000. *3,000—MRA.
Baxley INT, Ga.; Allendale, S.C., VOR; 2,000.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

San Antonio, Tex., VOR; Johnson City INT, Tex.; *3,300. *2,800—MOCA.
Johnson City INT, Tex.; Kingsland INT, Tex.; *4,000. *2,900—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to delete:

Fort Wayne, Ind., VOR; Claypool INT, Ind.; *2,600. *2,200—MOCA.
Claypool INT, Ind.; Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; *4,000. *2,000—MOCA.
Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; Chicago Heights, Ill., VOR; *2,600. *2,200—MOCA.
Fort Wayne, Ind., VOR; Monterey, Ind., VOR; *2,600. *2,200—MOCA.
Monterey, Ind., VOR; Chicago Heights, Ill., VOR; *2,600. *2,200—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

*Bandera INT, Tex.; San Antonio, Tex., VOR; **3,000. *4,300—MRA. **2,800—MOCA.
Eagle Lake, Tex., VOR via N alter.; Humble, Tex., VOR via N alter.; *2,000. *1,500—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

INT, 238° M rad, Appleton, Ohio and 277° M rad, Zanesville, Ohio, VOR; Zanesville, Ohio, VOR; 3,000.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

San Antonio, Tex., VOR; Staples INT, Tex.; *3,000. *2,600—MOCA.
Staples INT, Tex.; Lockhart INT, Tex.; *2,600. *1,900—MOCA.
Lynchburg, Va., VOR; *Amherst INT, Va.; **3,000. *4,000—MRA. **2,600—MOCA.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

La Belle, Fla., VOR; Haven INT, Fla.; *2,000. *1,200—MOCA.
Haven INT, Fla.; Dixie Ranch INT, Fla.; *2,000. *1,100—MOCA.
Dixie Ranch INT, Fla.; Vero Beach, Fla., VOR; *2,000. *1,200—MOCA.

Section 95.6233 *VOR Federal airway 233* is added to read:

Roberts, Ill., VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Jacksonville, Fla., VOR via W alter.; Cabins INT, Ga.; via W alter.; *2,000. *1,300—MOCA.
Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Paola INT, Fla.; Woodruff INT, Fla.; 2,100.
Woodruff INT, Fla.; Barberville INT, Fla.; *2,100. *1,300—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Greenwood, Miss., VOR; College INT, Miss.; 2,000.

Section 95.6332 *VOR Federal airway 332* is amended to delete:

Moline, Ill., VOR; Bradford, Ill., VOR; 2,800.
Bradford, Ill., VOR; Peotone, Ill., VOR; *2,600. *2,100—MOCA.
Peotone, Ill., VOR; Knox, Ind., VOR; *2,600. *2,100—MOCA.
Knox, Ind., VOR; South Bend, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended to read in part:

Barracuda INT, Hawaii; Sardine INT, Hawaii; 11,000.

Section 95.6422 *VOR Federal airway*

422 is amended to read in part:

Wolfiake, Ohio, VOR; Findlay, Ohio, VOR; 2,600.

Section 95.6427 *VOR Federal airway 427* is amended to delete:

Newcomerstown, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6430 *VOR Federal airway 430* is amended to read in part:

Ironwood, Mich., VOR; Iron Mountain, Mich., VOR; *3,600. *3,100—MOCA.

Section 95.6443 *VOR Federal airway 443* is amended to read in part:

Tiverton, Ohio, VOR; Reedsburg INT, Ohio; 3,000.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

New Orleans, La., VOR via E alter.; Slidell INT, La., via E alter.; *1,500. *1,400—MOCA.

Slidell INT, La., via E alter.; Gulfport, Miss., VOR via E alter.; *1,800. *1,500—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

LaBelle, Fla., VOR via N alter.; *Haven INT, Fla., via N alter.; **2,000. *3,000—MCA Haven INT, southeastbound. **1,300—MOCA.

Haven INT, Fla., via N alter.; Sherman INT, Fla., via N alter.; *3,000. *1,100—MOCA.

Sherman INT, Fla., via N alter.; Palm Beach, Fla., VOR via N alter.; *1,600. *1,300—MOCA.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

*Boise, Idaho, VOR; Arrow Rock INT, Idaho; eastbound 9,000; westbound 8,000. *7,000—MCA Boise VOR, eastbound.

Arrow Rock INT, Idaho; Hill City INT, Idaho; *11,500. *9,800—MOCA.

Hill City INT, Idaho; Soldier INT, Idaho; *12,500. *9,200—MOCA.

Soldier INT, Idaho; Richfield INT, Idaho; *12,500, *8,200—MOCA.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

*Kodiak, Alaska, VOR; Brooks INT, Alaska; **10,000. *4,000—MCA Kodiak VOR, northwestbound. **9,700—MOCA.

*Brooks INT, Alaska; King Salmon, Alaska, VOR; **5,000. *7,000—MCA Brooks INT, southeastbound. **4,500—MOCA.

Section 95.7030 *Jet Route No. 30* is amended to delete:

From, To, MEA, and MAA

Front Royal, Va., VOR; Herndon, Va., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended to delete:

San Antonio, Tex., VORTAC; Humble, Tex., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended by adding:

San Antonio, Tex., VORTAC; Houston, Tex., VORTAC; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—changeover point: Distance; from

V–15 is amended by adding:

Humble, Tex., VOR via E alter.; Navasota, Tex., VOR via E alter.; 17; Humble.

V–16 is amended by adding:

Pine Bluff, Ark., VOR; Memphis, Tenn., VOR; 30; Pine Bluff.

V–34 is amended to delete:

Princeton, Maine, VOR; St. Johns, Canada, VOR; 36; Princeton.

V–119 is added to read:

Clarion, Pa., VOR; Bradford, Pa., VOR; 27; Clarion.

V–178 is added to read:

Lexington, Ky., VOR; Bluefield, W. Va., VOR; 96; Lexington.

Section 95.8005 *Jet routes changeover points:*

J–86 is amended by adding:

Humble, Tex., VORTAC; Grand Isle, La., VORTAC; 135; Humble.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on June 25, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69–7690; Filed, July 1, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Components Used in Fork Lift Trucks

§ 15.349 Disclosure of origin of imported components used in fork lift trucks.

(a) In response to a request for an advisory opinion, the Commission advised a company that one of its statements would not be proper but that it would not object to its other proposed statement. The company had requested an opinion in regard to the proper marking and advertising of fork lift trucks made partly of imported components with specific reference to the following two statements:

(1) "Assembled in U.S.A."

(2) "Assembled in U.S.A. of components of USA & Imports".

(b) The trucks will be sold to industrial users through various sales agencies throughout the United States, and the agencies will have on display at least one or two models to show to prospective purchasers. It is anticipated that parts imported from Bulgaria will represent approximately 40 percent of total production costs, parts, and labor assembly costs in the United States will represent 30 percent and the remaining 30 percent will represent parts imported from one of the following five countries: West Germany, France, England, Denmark, and Japan. Thus approximately 70 percent of total production costs will consist of imported components.

(c) In the opinion which was rendered, the Commission concluded that it could not accept the first proposed statement as being in conformity with section 5 of the FTC Act. However, the Commission said, it would interpose no objection to the use of the second proposed disclosure—"Assembled in U.S.A. of components of USA & Imports."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 1, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–7754; Filed, July 1, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Accreditation Program for Producers of Concrete and Concrete Products

§ 15.350 Accreditation program for producers of concrete and concrete products.

(a) The Commission rendered an advisory opinion involving a proposed accreditation program in the construction industry, including the award of a certificate of accreditation. The program is designed to upgrade and maintain the quality of a building material.

(b) Under the proposed program, the sole criterion for accreditation and the award of a certificate of accreditation of established firms will be provable ability to function effectively in the field of concrete construction, and any applicant who has a satisfactory record of accomplishment as certified by the architect or engineer for whom concrete work was done will be accredited. Certificates will be renewed annually solely on the basis of satisfactory performance during the preceding year. The failure to maintain satisfactory performance standards could result in deaccreditation and withdrawal of the right to use the certificate. General supervision of the proposed program of accreditations will be vested in a Board of Directors, no member of which will have any financial interest in the product as might affect his impartiality under the program. The Board will have the responsibility, among other matters, for insuring nondiscriminatory administration of and free access to the program.

(c) There will be no requirement for any applicant as to the length of time in business, his capital, or size of operation. Applicant firms with no previous experience in the industry but having personnel of sufficient background and experience in concrete construction or related fields and which express a desire to engage in quality concrete constructions

[1] Commissioner MacIntyre did not concur.

will be accredited. All present and future applicants will have free, unrestricted and nondiscriminatory access to the program, whether or not they are a member of any sponsoring organization. All nonmember applicants will be accorded an equal opportunity for accreditation at a cost no greater than and under conditions no more onerous than those imposed upon comparably situated organization members for whom comparable services may be rendered. A uniform certificate of accreditation will be awarded to all who qualify.

(d) The Commission advised that it would not proceed against the practices so long as they are implemented in the manner described. The requesting party was advised further that in giving its approval to this request the Commission is expressing no opinion with respect to product standards which may be or are now established and that the approval will be of no force and effect should the proposed program of accreditation be implemented in contravention of Commission-administered law. The Commission added that should the proposed program be adopted the Commission may, from time to time, wish to assure itself that it is being used for the limited purposes intended.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 1, 1969.

By direction of the Commission.[1]

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

[F.R. Doc. 69-7753; Filed, July 1, 1969; 8:45 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File No. 206-9-1]

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

Fiber Content of Special Types of Products

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

The notice of amendment provided that paragraph (c) of § 303.10 (Rule 10) would become effective 45 days after publication in the FEDERAL REGISTER. It was further provided that interested parties could submit written comments within 20 days of the publication of paragraph (c) of § 303.10 (Rule 10) in the FEDERAL REGISTER but this should not affect the effective date unless the Commission should so order.

Upon the indication of certain interested parties of a desire for a further period for comments, the time for the submission of written views and comments in the matter was extended to May 15, 1969 by notice dated April 18, 1969 and published in the FEDERAL REGISTER on April 23, 1969. The effective date of paragraph (c) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act was deferred until June 30, 1969.

In order to fully consider the necessity of making certain clarifying revisions in paragraph (c) of § 303.10 (Rule 10), the effective date of the aforesaid paragraph (c) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act is deferred until July 30, 1969.

Issued: June 27, 1969.

By the Commission.

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

[F.R. Doc. 69-7814; Filed, July 1, 1969; 8:49 a.m.]

[1] Commissioner Jones did not concur.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 82-B for the handkerchief, scarf, and art linen industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 82-B are hereby published, to be effective July 18, 1969, in this order amending section 608.2 of Title 29, Code of Federal Regulations. As amended, § 608.2 reads as follows:

§ 608.2 **Wage rates.**

* * * * *

(a) *Pre-1961 coverage classifications.* * * *

(1) *Hand-sewing on oblong scarves classification.* (i) The minimum wage for this classification is $1.05 an hour.

* * * * *

(2) *Other operations on oblong scarves classification.* (i) The minimum wage for this classification is $1.25 an hour.

* * * * *

(3) *Hand-sewing on products other than oblong scarves classification.* (i) The minimum wage for this classification is 50 cents an hour.

* * * * *

(4) *Other operations classification.* (i) The minimum wage for this classification is 72 cents an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.30 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 26th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-7819; Filed, July 1, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

This amendment of the General Services Administration Procurement Regulations prescribes policies and procedures which implement and supplement Subpart 1-3.8, Price Negotiation Policies and Techniques, of the Federal Procurement Regulations. The amendment expands Subpart 5-53.3, Audit of Contractors' Records, in the areas of contract audit and the processing of contractors' invoices or vouchers requesting payment under GSA contracts.

PART 5–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5–3 is amended to include the following revised entry:

5–3.809 Contract audit as a pricing aid.

Subpart 5–3.8—Price Negotiation Policies and Techniques

Section 5–3.809 is revised to read as follows:

§ 5–3.809 Contract audit as a pricing aid.

The Contract Audits Division, Office of Audits and Compliance, and the Area Audits and Compliance Offices perform contract audits as a pricing aid upon request of a contracting officer pursuant to §§ 1–3.801, 1–3.809, and Subpart 5–53.3. Such requests shall be in writing and shall be directed to the appropriate audits and compliance office. In addition, they shall describe the problem, specify the purpose to be served by the audit, and identify any areas for particular pricing (or other) effort or emphasis, such as to review the contractor's accounting or estimating system.

PART 5–53—CONTRACT ADMINISTRATION

The table of contents for Part 5–53 is amended to include the following revised and new entries:

Sec.
5–53.303 Types of contracts subject to audit.
5–53.305 Payments under contracts subject to audit.
5–53.305–1 General.
5–53.305–2 Submission and processing of invoices or vouchers.
5–53.305–3 Action upon receipt of an audit report.
5–53.305–4 Suspensions and disapprovals of amounts claimed.
5–53.306 Additional internal controls.
5–53.307 Deviation.

Subpart 5–53.3—Audit of Contractors' Records

Subpart 5–53.3 is revised to read as follows:

§ 5–53.301 General.

The Contract Audits Division, Office of Audits and Compliance, and the Area Audits and Compliance Offices conduct contract audits (i.e., examinations) of contractors' records to the extent that such audits are required by law, regulation, or sound business judgment. Such audits include the conduct of periodic or requested audits of contractors as are warranted by such matters as the financial condition, integrity, and reliability of the contractor and prior audit experience, adequacy of the accounting system, and the amount of unaudited claims (see also § 5–3.809). In order that the Government can benefit to the maximum extent from such audits, a coordinated and cooperative effort shall be made by contracting officers, technical specialists, and finance and audit personnel (see §§ 1–3.801 and 5–53.102). It is the responsibility of the contracting officer to have an audit clause inserted in all contracts subject to audit pursuant to § 5–53.303.

§ 5–53.302 Purpose of audit.

In addition to the provisions of § 1–3.809, Contract audit as a pricing aid, audits are conducted to advise and make recommendations to the contracting officer concerning the:

(a) Propriety of amounts paid, or to be paid, by GSA to contractors where such amounts are based on a cost or time determination or on variable features related to the results of contractors' operations;

(b) Adequacy of measures taken by contractors regarding the use and safeguarding of Government assets under their custody or control;

(c) Compliance by contractors with contractual provisions having financial implications, such as progress payments, advance payments, guaranteed loans, cash return provisions, and price adjustments. The adequacy of a contractor's accounting system and controls shall be evaluated by contract audit (see § 1–3.809 (a)(1)) before inclusion of a Progress Payments clause in a contract, as provided in §§ 1–30.506 and 5–30.550(b)(3). A similar evaluation shall be made prior to the making of any advance payments or guaranteed loans pursuant to Parts 1–30 and 5–30;

(d) Reasonableness of contractors' settlement proposals in termination of contracts (see § 1–8.207);

(e) Compliance with contract provisions; and

(f) Contractors' financial condition and ability to perform or to continue to perform under Government contracts.

§ 5–53.303 Types of contracts subject to audit.

(a) The following types of contracts in excess of $2,500 shall include the Examination of Records by GSA clause (§ 5–53.304):

(1) Cost-reimbursement type contracts (see §§ 1–3.405 and 1–3.814–2(e));

(2) Advertised or negotiated contracts involving the use or disposition of Government-furnished property (see § 5–53.102(b));

(3) Where advance payments progress payments based on costs, or guaranteed loans are to be made (see § 5–53.302(c));

(4) Contracts for supplies or services containing a price warranty or price reductions clause;

(5) Contracts or leases involving income to the Government where the income is based on operations that are under the control of the contractor or lessee;

(6) Fixed-price contracts with escalation (see §§ 1–2.104–3 and 1–3.404–3), incentives (see §§ 1–3.404–4 and 1–3.407), and redetermination (see §§ 1–3.404–5 and 1–3.404–7);

(7) Requirements and indefinite quantity (call-type) contracts (see §§ 1–2.104–4 and 1–3.409; see also § 5–53.306 for additional internal controls);

(8) Time and materials and labor-hour contracts (see §§ 1–3.406–1 and 1–3.406–2; see also § 5–53.306 for additional internal controls); and

(9) Leases (i) where the rental is subject to adjustment (such as for a change in real estate taxes or service costs) or (ii) where the rental is dependent upon actual costs.

(b) In some of the contracts listed in paragraph (a) of this § 5–53.303, it may be appropriate to contractually define the scope or extent of any audit, such as with respect to (1) the use or disposition of Government-furnished property or (2) variable or other special features of the contract, e.g., price escalation, and compliance with the price warranty or price reductions clauses. In such cases, the contract clause in § 5–53.304 may be appropriately modified with the concurrence of the (1) Office of General Counsel or Regional Counsel and (2) Contract Audits Division or the Area Audits and Compliance Office, as appropriate.

(c) Inclusion of the contract clause in § 5–53.304 (whether or not modified) in contracts does not affect in any way the requirements for (1) use of the Examination of Records clause permitting review of contractor books and records by the Comptroller General (see § 1–3.814–2(e)) or (2) the clauses on Audit and Records pertaining to the verification of cost or pricing data (see § 1–3.814–2).

(d) A copy of each contract, or modification, of the types described in § 5–53.305–1(a) subject to audit shall be furnished promptly after execution to the Contract Audits Division, Office of Audits and Compliance, General Services Administration, Washington, D.C. 20405, or to the Area Audits and Compliance Office, as appropriate.

§ 5–53.304 Contract clause.

The following contract clause is prescribed for use as provided in § 5–53.303:

EXAMINATION OF RECORDS BY GSA

The Contractor agrees that the Administrator of General Services or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of the Contractor involving transactions related to this contract or compliance with any clauses thereunder.

The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Administrator of General Services or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract or compliance with any clauses thereunder. The term "subcontract" as used in this clause excludes (a) purchase orders not exceeding $2,500 and (b) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 5–53.305 Payments under contracts subject to audit.

§ 5–53.305–1 General.

(a) The contracting officer shall not approve the initial payment invoice or voucher until he has consulted with the Contract Audits Division or the Area Audits and Compliance Office, where the invoices or vouchers are under:

(1) Cost-reimbursement type contracts;

(2) The cost-reimbursement portion of fixed-price type contracts;

(3) Time and materials or labor-hour contracts; or

(4) Fixed-price contracts providing for (i) progress payments based on costs, (ii) advance payments, (iii) guaranteed loans, or (iv) incentives or redetermination.

(b) The contracting officer shall not approve the final payment (completion) invoice or voucher for such contracts, nor for the final payment or settlement of other contracts subject to audit (see § 5–53.303) prior to the (1) receipt and review of the contract audit report or (2) consultation with the Contract Audits Division or the Area Audits and Compliance Office if no audit is to be conducted; provided, that this paragraph (b) shall not apply to fixed-price contracts with escalation where no price revision (upward or downward) is to be made.

§ 5–53.305–2 Submission and processing of invoices or vouchers.

(a) Contractors shall be required to submit the invoices or vouchers described in § 5–53.305–1 directly to the contracting officer. The processing of invoices or vouchers prior to payment for work or services rendered shall include a review by the contracting officer, or his designated representative, to determine that the nature of items and amounts claimed are in consonance with the contract terms, represent prudent business transactions, and are within any stipulated contractual limitations (see § 5–53.102). The contracting officer must insure that these payments are commensurate with physical and technical progress under the contract. If the contractor has not deducted from his claim amounts which are questionable or which are required to be withheld, the contracting officer shall make the required deduction, except as provided in § 5–53.305–3.

(b) Subject to the provisions of § 5–53.305–1, approval by the contracting officer of any payment, including any specific approval as to the nature or amount of a cost, shall be noted on (or attached to) the invoice or voucher (see, for example, § 1–15.107 regarding advance understandings on particular cost items). The invoice or voucher shall be forwarded to the appropriate accounting center and retained therein after certification and scheduling for payment to a disbursing office.

§ 5–53.305–3 Action upon receipt of an audit report.

Audit reports shall be furnished to the contracting officer, with a copy to the appropriate accounting center. Upon receipt of an audit report, the contracting officer shall, pursuant to contract terms and the guidelines of § 5–53.102, determine the allowability of all costs covered by audit, giving full consideration to the auditor's recommendations. Where the contracting officer is in doubt or questions the recommendations of the auditor, deductions need not be made from invoices or vouchers for provisional payments. The contracting officer in such cases, however, shall confer with the auditor and other appropriate Government personnel (such as a price specialist or legal counsel) to determine what further action should be taken regarding the items of cost in question. If the contracting officer disagrees with the auditor's recommendations, the contracting officer shall prepare a statement for the contract file to support and justify his decision and shall furnish the auditor with a copy of such statement (see also § 1–3.811).

§ 5–53.305–4 Suspensions and disapprovals of amounts claimed.

The contracting officer shall notify the appropriate accounting center in writing when amounts claimed for payment are (a) suspended tentatively, (b) disapproved as not being allowable according to contract terms, or (c) not reasonably incident or allocable to performance of the contract. Such notice by the contracting officer shall be the basis for the issuance by the accounting center of GSA Form 533, Administrative Difference Statement. A copy of GSA Form 533 shall be attached to each copy of the invoice or voucher from which the deduction has been made, including an explanation of the deduction. Control over the issuance of GSA Form 533 shall be maintained by the accounting center.

§ 5–53.306 Additional internal controls.

As a supplement to the contractual right to audit (see § 5–53.303) contractor records in time and materials, labor-hour, requirements, and indefinite quantity (call-type) contracts, the contracting officer (with the assistance of the Contract Audits Division or the Area Audits and Compliance Office) shall establish appropriate internal controls or procedures prior to the performance of those contracts with respect to any flexible or variable features. For example, if a time and materials, or labor-hour contract is performed (on a Government facility or elsewhere) subject to observation or overall supervision by Government personnel (see § 1–3.406–1(b)), approval of time records may be provided for as incidental to the Government supervision. Any reasonable and reliable method or procedure may be established, to account for such matters as the time spent on the job, and materials or supplies received, which will assist the contract auditor and the contracting officer to determine the correctness of the charges to the contract.

§ 5–53.307 Deviation.

(a) Except as provided in paragraph (b) of this § 5–53.307, approval of any deviation (see § 5–1.108(b)(1)) in individual cases from the contract audit requirements of the Federal Procurement Regulations or General Services Administration Procurement Regulations shall be made by the Head of the appropriate Central Office Service or Staff Office only after consultation with the Deputy Director, Office of Audits and Compliance (Audits).

(b) The contracting officer and the Deputy Director, Office of Audits and Compliance (Audits), or the Area Audits and Compliance Office may agree to limit the application of specific contract audit requirements in individual cases, such as where the possible cost-benefits of the audit do not warrant the assignment of audit resources or where audit resources are unavailable; provided, that the stated urgency of a proposed procurement or other contract action shall not alone be adequate justification for such a waiver (see § 1–3.801–3 with respect to the avoidance of requirements issued on an urgent basis and § 1–3.809(b)(2) with respect to the allowance of as much time as possible for the audit work).

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

Effective date. This amendment is effective June 24, 1969.

Dated: June 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–7733; Filed, July 1, 1969; 8:45 a.m.]

Chapter 6—Department of State

[Dept. Reg. 108.604]

PART 6–1—GENERAL

Subpart 6–1.4—Procurement Responsibility and Authority

DESIGNATION; DIPLOMATIC AND CONSULAR POSTS LOCATED OUTSIDE THE UNITED STATES

In § 6–1.404–2(c) subparagraph (5) is amended by adding a new subdivision (iv) to read as follows:

§ 6–1.404–2 Designation.

* * * * *

(c) * * *

(5) *Diplomatic and consular posts located outside the United States.* * * *

(iv) When expressly authorized by a U.S. Government agency which does not have an authorized contracting officer at the post, the officers named above in this subparagraph may enter into contracts for and on behalf of that agency. The exercise of this authority is subject to the provisions of the regulatory or other contracting officer designation issued by the contracting agency and any relevant administrative support or other interagency agreement. Statutory authorities and regulations of the contracting agency are applicable to contracts entered into

pursuant to this authority and the contracting agency is responsible for informing the individual it has designated to act as its contracting officer of pertinent statutes and regulations which supplement, implement or deviate from Chapter 1 of this title. In view of the contracting officer's responsibility for the legal, technical, and administrative sufficiency of the contracts he enters into, questions regarding the propriety of procurement actions that the post is requested to take pursuant to this authority may be referred to the Department for resolution with the headquarters of the agency concerned.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended; 40 U.S.C. 486(c) sec. 4, 63 Stat. 111; 22 U.S.C. 2658)

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

JUNE 12, 1969.

[F.R. Doc. 69-7767; Filed, July 1, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-700]

PART 0—COMMISSION ORGANIZATION

Authority Delegated

1. The Commission has before it a number of informal requests from standard broadcast stations looking toward on-the-air identification with a community other than the community of license. These requests fall short of the principal city signal criteria required by § 0.281 (kk) of the Commission's rules and regulations.

2. Five requests of this nature are currently pending, as follows:

a. WINE(AM) (940 kHz, 1 kw, D), Brookfield, Conn., requesting a Brookfield-Danbury identification. Although the station's 5 mv/m contour encompasses Danbury, its 25 mv/m signal does not reach the city.

b. WAAM(AM) (1600 kHz, 1 kw, 5 kw, DA-2, LS, U), Ann Arbor, Mich., requesting an Ann Arbor-Ypsilanti identification. Ypsilanti is totally encompassed by the station's 5 mv/m contour, day and night. However, the 25 mv/m signal, although covering the main business district by day, falls to 8 mv/m at night.

c. WVOL(AM) (1470 kHz, 1 kw, 5 kw-LS, DA-2, U), Berry Hill, Tenn., requesting a Berry Hill-Nashville identification. The station's 5 mv/m and 25 mv/m contours cover the entire city of Nashville during the day. At night, the 5 mv/m signal covers Nashville with some interference at the edges; a 10 mv/m interference-free contour covers 75.5 percent of the city.

d. WDAE(AM) (1250 kHz, 5 kw, DA-1, U), Tampa, Fla., requesting a Tampa-St. Petersburg identification. The entire city of St. Petersburg receives a signal intensity of 8 mv/m both day and night, and the business area receives a signal of about 15 mv/m, both day and night.

e. KIKO(AM) (1340 kHz, 250 W, 1 kw-LS, U), Miami, Ariz., requesting a Miami-Globe identification. The station's 5 mv/m and 25 mv/m contours cover the entire city of Globe during the day. However, the 25 mv/m signal, although covering the main business district by day, falls short at night.

3. By memorandum opinion and order of October 25, 1967 (10 FCC 2d 527), the Commission delegated to the Chief, Broadcast Bureau—section 0.281(kk)—authority to waive the AM and FM station identification requirements (§§ 73.117 and 73.287 of the rules, respectively) so as to permit stations to identify with all communities lying within their principal city contours as defined in §§ 73.188(b) for AM and 73.315(a) for FM. Only strict compliance with this standard was viewed as justifying multiple-city identification.

4. We find no sound basis for deviating from this determination. In conventional application processing, principal city coverage is generally considered essential to insure the necessary premium grade of service to the principal community or communities served. A fortiori, no less should be required for multiple-city identification purposes. Arguments based on similarity of program needs as a means of justifying dual-city requests must be rejected because of the transitory nature of programing judgments.

5. Moreover, it cannot be demonstrated to our satisfaction that strict compliance with the principal city coverage requirement will result in measurable hardship to the stations affected. Commission policy already permits a station which falls short of such coverage to identify "promotionally" with communities lying within its lesser coverage area (after recitation of call letters and station location). In our public notice adopted October 11, 1967, examples of permissible promotional-identification announcements were cited—See 10 FCC 2d 407, Example 3. For instance, a station assigned to the hypothetical city Millville which puts a less than principal city signal over the hypothetical city of Clarkston could identify as follows: "Station XXXX, Millville, serving Millville and Clarkston." Clearly, insofar as the listening public is concerned, promotional announcements of this character serve essentially the same purpose as do hyphenated identifications granted under § 0.281(kk):

6. The amendment herein ordered is intended to implement the foregoing determination by delegating to the Chief, Broadcast Bureau, authority to dismiss requests for multiple-city identification which do not show strict compliance with principal city coverage requirements. Since the amendment relates to internal Commission practice, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) need not be observed. Authority for the adoption of this amendment is contained in sections 4(i), 303(p), and 303(r) of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* Effective July 3, 1969, that the above-referenced requests for multicity station identification are dismissed, and § 0.281(kk) of the Commission's rules and regulations is amended as set forth below.

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

Adopted: June 25, 1969.

Released: June 27, 1969.

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

In Part 0 of Chapter 1 of Title 47, Code of Federal Regulations, § 0.281(kk) is amended to read as follows:

§ 0.281 Authority delegated.

* * * * *

(kk) For waiver of the provisions of §§ 73.117 and 73.287 of this chapter to permit multiple-city identification, where the additional community or communities with which identification is sought are provided with the minimum principal city signal intensity specified in §§ 73.188(b) and 73.315(a) of this chapter for AM and FM broadcast stations, respectively; and to dismiss requests for multiple-city identification which do not meet principal city coverage requirements.

* * * * *

[F.R. Doc. 69-7786; Filed, July 1, 1969; 8:47 a.m.]

[Docket No. 18541 etc.; FCC 69-701]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments in Carthage, Miss. et al.

In the matter of amendment of § 73.202, *Table of assignments,* FM Broadcast Stations (Carthage, Miss., Mifflinburg, Pa., Forest City, Iowa, Hampton, S.C., Tylertown, Miss., French Lick, Ind., New Boston, Tex., Breckenridge, Minn., Minocqua, Wis., Charleston, Miss., and Southampton, N.Y.); Docket No. 18541, RM-1396, RM-1398, RM-1401, RM-1410, RM-1411, RM-1412, RM-1415, RM-1419, RM-1421, RM-1430, RM-1433.

1. The Commission has under consideration its notice of proposed rule making issued on May 5, 1969 (FCC 69-475, 34 F.R. 7446), inviting comments on a number of changes in the FM Table of Assignments as advanced by various interested parties. All comments and data filed in response to the notice were considered in making the following determinations. There were no opposing comments filed. Except as noted, the population figures were taken from the 1960 U.S. Census. The following decision disposes of all subject petitions, except *RM-1433, Southampton, N.Y.*, which will be included in a subsequent order.

[1] Commissioner Bartley absent.

2. *RM–1396, Carthage, Miss. (Meredith Colon Johnston); RM–1398, Mifflinburg, Pa. (Wireline Radio, Inc.); RM–1401, Forest City, Iowa (Marvin L. Hull); RM–1410, Hampton, S.C. (Hampton County Broadcasters, Inc.); RM–1411, Tylertown, Miss. (Tylertown Broadcasting Co.); RM–1412, French Lick, Ind. (Wireless of Indiana); RM–1415, New Boston, Tex. (Bowie County Broadcasting Co., Inc.); RM–1421 Minocqua, Wis. (Tomahawk Broadcasting Co.); RM–1430, Charleston, Miss. (Dixie Broadcasting Co., Inc.).* In the above cases interested parties seek the assignment of a first Class A channel in a community without requiring any other changes in the Table.[1] The communities range in size from 1,532 persons for Tylertown, Miss., to 2,930 persons for Forest City, Iowa. None of the communities are a part of an urbanized area (1960 Census) and each appears to warrant the proposed assignment. We are of the view that adoption of each proposal would serve the public interest and are therefore making the following additions to the FM Table of Assignments:

City	Channel No.
French Lick, Ind	261A
Forest City, Iowa	272A
Carthage, Miss	252A
Charleston, Miss	272A
Tylertown, Miss	249A
Mifflinburg, Pa	252A
Hampton, S.C	276A
New Boston, Tex	240A
Minocqua, Wis	240A

3. *RM–1419, Breckenridge, Minn.* On February 22, 1969, Interstate Broadcasting Corp., permittee of Station KKWB–FM, Channel 269A, Breckenridge, Minn., filed a petition seeking substitution of Channel 285A for 269A at Breckenridge, and modification of the KKWB–FM authorization to specify operation on Channel 285A.

4. In support of its petition, Interstate states that during equipment test operation on Channel 269A it received numerous complaints of interference being caused to reception of television Station KTHI–TV, Channel 11, Fargo, N. Dak., in the Breckenridge, Minn.-Wahpeton, N. Dak. area. As a result of the interference, regular program operation was only attempted for 2 hours over a 2-day period. The station has been silent since December 1968. A meeting during equipment tests was held with the area TV servicemen for the purpose of providing recommendations by the KKWB–FM engineers for eliminating the interference. The public was similarly informed through a release in the local newspaper. Petitioner notes that the majority of complaints appeared to be caused by overloading of TV receivers by the primary signal of KKWB–FM, which caused the receivers, in turn, to generate a second harmonic within themselves, the latter resulting in direct interference to the reception of the relatively weak signal of Channel 11. It is the opinion of the petitioner that a majority of the complaints could be eliminated by filters applied at the TV receivers and tuned to the KKWB–FM fundamental frequency. However, claiming that many complainants are reluctant to go to the expense of a corrective filter installation, it is urged that it would be in the public interest to permit the proposed channel change for KKWB–FM in order to avoid the TV interference experienced.

5. As we noted in the notice, by virtue of the general availability of other channels in the area, it does not appear that any community having a probable future need would be deprived of a channel by the proposed change, nor does it appear that the problem would be transferred to another area. The proposal therefore conforms with our announced policy concerning FM channel changes to avoid television interference. See public notice: Policy to Govern the Change in FM Channels to Avoid Interference to Television Reception, released February 3, 1966, FCC 66–106, 6 RR 2d 672. There were no comments filed in opposition to the proposal. We are therefore of the opinion that substitution of Channel 285A for 269A, at Breckenridge, Minn., is warranted and that modification of the KKWB–FM authorization accordingly would serve the public interest.

6. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective August 4, 1969, section 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Indiana:	
French Lick	261A
Iowa:	
Forest City	272A
Minnesota:	
Breckenridge	285A
Mississippi:	
Carthage	252A
Charleston	272A
Tylertown	249A
Pennsylvania:	
Mifflinburg	252A
South Carolina:	
Hampton	276A
Texas:	
New Boston	240A
Wisconsin:	
Minocqua	240A

8. *It is further ordered*, That the outstanding construction permit held by Interstate Broadcasting Corp., for Station KKWB–FM on Channel 269A at Breckenridge, Minn., is modified, to specify operation on Channel 285A subject to the following condition:

(a) The permittee shall submit to the Commission by August 4, 1969, all the technical information required for the issuance of a modified construction permit specifying operation on Channel 285A.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 316 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–7787; Filed July 1, 1969; 8:47 a.m.]

[1] Of the places listed, Carthage and Tylertown, Miss., and Hampton, S.C., are each authorized an AM daytime-only station. Two competing applications are pending for an AM daytime-only facility at New Boston, Tex.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1008, Amdt. 2]

PART 1033—CAR SERVICE

Illinois Terminal Railroad Co. Authorized To Operate Over Tracks of Illinois Central Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of June 1969.

Upon further consideration of Service Order No. 1008 (33 F.R. 14959, 34 F.R. 5997), and good cause appearing therefor:

It is ordered, That:

Section 1033.1008 *Illinois Terminal Railroad Co. authorized to operate over tracks of Illinois Central Railroad Co.* of Service Order No. 1008 be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2)).

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

By the Commission, Railroad Service Board.

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

[F.R. Doc. 69–7793; Filed, July 1, 1969; 8:48 a.m.]

[1] Commissioner Bartley absent; Commissioner Cox dissenting in part.

[Corrected Second Rev. S.O. 1023, Amdt. 1]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 26th day of June 1969.

Upon further consideration of Corrected Second Revised Service Order No. 1023 (34 F.R. 8920), and good cause appearing therefor:

It is ordered, That:

Section 1033.1023 *Demurrage and detention charges on freight cars* of Corrected Second Revised Service Order No. 1023 be, and it is hereby, amended by substituting the following paragraph (j) for paragraph (j) thereof:

(j) *Expiration date.* This order shall expire at 6:59 a.m., September 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., July 1, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

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

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7794; Filed, July 1, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

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

Notice of Proposed Rule Making

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing a revision of the Part 68 regulations (7 CFR Part 68) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. On June 5, 1969, a postponement of effective dates for revision of Part 68 regulations (7 CFR Part 68) was published in the FEDERAL REGISTER (34 F.R. 8963) to allow adequate consideration to comments and views submitted by the rice industry. As a result of subsequent meetings with the rice industry, the following amendments are proposed:

1. Section 68.16a would be amended to read:

§ 68.16a Issuance of corrected certificate.

(a) If any error is made in an inspection, a corrected inspection certificate may be issued in accordance with instructions issued by the Director. The term "error" shall be deemed to include any error of commission or error of omission.

(b) The original and copies of the corrected certificate shall be issued as promptly as possible to the same interested persons as received the incorrect certificate.

(c) The corrected certificate shall supersede the incorrect inspection certificate previously issued. The corrected certificate shall clearly identify by certificate number and date the incorrect certificate which it supersedes.

(d) The issuing inspector shall obtain the original and all copies of the superseded incorrect certificate if possible. If the inspector is unable to obtain the original and all copies of the superseded certificate, he shall, to the extent possible, notify all parties to the transaction, to prevent misuse of the superseded certificate.

2. Section 68.21 would be amended to read:

§ 68.21 How to obtain an appeal inspection.

(a) An application for appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection.

(b) The application shall be made in writing or by telegraph and shall be filed in the office of a Supervising Inspector.

(c) The inspection certificate for the inspection appealed from shall be submitted with the application or as soon thereafter as possible.

(d) This paragraph is applicable to rice inspection only: Except as may be agreed upon by the interested parties, the application shall be filed before the rice has left the place where the inspection appealed from was made and not later than the close of business on the second business day following the date of the inspection appealed from, which time of filing may be extended by the Supervising Inspector for good cause shown.

(e) Subject to the limitations in paragraphs (f) and (g) of this section, an appellant may request that an appeal lot inspection be based on the official file sample, or based on a new sample if the lot can be positively identified by the Supervising Inspector as the lot which was previously inspected and the entire lot is available for sampling and examination. However, only one appeal inspection may be obtained from any original inspection.

(f) Subject to the limitations in paragraph (g) of this section, at the option of the Supervising Inspector, an appeal lot inspection shall be based on the sample or samples which are considered most representative of the lot.

(g) An appeal inspection shall be limited to a review of the sampling procedure and an analysis of the official file sample when, as a result of the original inspection, the commodity was found to be contaminated with filth or to contain a deleterious substance. If it is determined that the sampling procedures were improper, a new sample shall be obtained if the lot can be positively identified by the Supervising Inspector as the lot which was previously inspected and the entire lot is available for sampling and examination.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 26th day of June 1969.

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

[F.R. Doc. 69-7769; Filed, July 1, 1969; 8:46 a.m.]

[7 CFR Part 1133]

[Docket No. AO-275-A20]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing 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 at the Holiday Inn, Sunset Highway, Spokane, Wash., beginning at 9:30 a.m., local time, on Wednesday, July 9, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire 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 Inland Empire Dairy Association and Spokane Milk Producers Association, Spokane, Wash.:

Proposal No. 1. Amend § 1133.8(a)(1) to read "the lesser of 100,000 pounds or 10 percent" instead of the present phrase which reads, "the lesser of 250,000 pounds or 20 percent."

Proposal No. 2. Delete § 1133.51(d) of the order dealing with the Supply-Demand adjustment to the Class I price.

Proposed by Arden-Mayfair, Inc., Spokane, Wash.:

Proposal No. 3. Amend § 1133.13(b) to read: (b) Products other than Fluid Milk Products, from any source (including those processed at the plant) which are reprocessed in connection with or converted to a Class I Fluid Milk product in the plant during the month. The skim milk components of such products shall be as follows:

(1) A weight equal to the weight of the volume increase caused by nonfat

milk solids in dry milk solids or condensed milk or skim milk products used for the fortification of, or as an additive to, Class I Fluid Milk products.

Proposal No. 4. Amend § 1133.40 by deleting in its entirety the following sentence: "If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids."

Proposal No. 5. Amend § 1133.41(a) to provide that Fluid Milk Products concentrated and disposed of in packaged form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 6. Amend § 1133.80(d)(1) by deleting the words "An advance" where it appears and substituting therefor the words "A partial."

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, West 55 Mission Avenue, Spokane, Wash. 99201, 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 June 26, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-7770; Filed, July 1, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Ch. III]

[Docket No. 69-7; Notice No. 1]

INFLATABLE OCCUPANT RESTRAINT SYSTEMS

Advance Notice of Proposed Rule Making

The Administrator is considering the issuance of a Federal Motor Vehicle Safety Standard requiring the installation of, and specifying performance requirements for, inflatable occupant restraint systems or other passive occupant restraint systems which provide comparable protection in passenger cars, multipurpose passenger vehicles, trucks, and buses.

Effective restraint of occupants during motor vehicle crashes is a fundamental goal of the Administration's motor vehicle safety program. The value of safety belts, which are required by existing motor vehicle safety standards, in reducing deaths and injuries has been proven. Nevertheless, the Administrator has concluded that safety belts alone do not represent the optimum solution to the problem of preventing deaths and reducing the severity of injuries caused primarily by the "second collision" that occurs when the occupant is hurled against the vehicle's interior. The principal disadvantage of safety belts is that only a very low percentage of the motoring population, as reported in the President's recent *Report on the Administration of the National Traffic and Motor Vehicle Safety Act of 1966* (at pages 16-18), presently takes advantage of the life-saving restraint protection they afford.

For these reasons, the interests of motor vehicle safety demand the prompt development and installation of passive restraint systems. One very promising system, now in its final development stages, is commonly referred to as the "air bag," a device which, in the event of potentially injurious deceleration, automatically inflates in front of the occupant within a few hundredths of a second after the initial crash contact.

A device such as the air bag has enormous advantages over traditional restraint systems. It is automatic. It distributes the heavy loads generated in motor vehicle crashes over a large area of the body enabling occupants to experience much higher crash forces without injury. It cushions occupants during the crash.

Many leading safety authorities have endorsed the concept of providing air bags or other passive occupant restraint systems which provide comparable protection in motor vehicles. The National Motor Vehicle Safety Advisory Council, established by Public Law 89-563 to consult with the Secretary of Transportation on motor vehicle safety standards, in a formal recommendation to the Secretary recently urged an accelerated effort in implementing inflatable passive restraint system developmental efforts, including appropriate administrative actions to assist in the early installation of such a system in motor vehicles.

For these reasons, the Administrator has under consideration a motor vehicle safety standard that would require manufacturers to install some type of passive occupant restraint system in new motor vehicles. Because of the protection such a restraint system would provide, it is desirable that the system be provided in new motor vehicles as soon as possible, and not later than January 1, 1972.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Comments must identify the docket number and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business 90 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

The Administrator requests the submission of information, including test results, test methods, test procedures, and other data concerning inflatable or other passive occupant restraint systems which provide comparable protection now under development or being considered. He particularly invites such information with respect to the following:

(1) Crash conditions under which the system should and should not deploy, e.g., deceleration levels and directions of impact.

(2) Deployment and deflation times and positioning of the system components, when inflated, in relation to the vehicle interior and vehicle occupants.

(3) Performance of the system in relation to the biomechanical characteristics of vehicle occupants, including recommended loads on the various portions of the human body, recommended noise and pressure levels, and other factors.

(4) The extent to which existing Federal Motor Vehicle Safety Standards dealing with impact protection and occupant restraint should be changed to reflect the issuance of a standard requiring installation of passive restraint systems.

(5) Design considerations such as reliability, maintenance, serviceability, environmental and other factors relating to the performance of such a system.

(6) Cost consequences of a standard requiring such a system, and the earliest practicable dates on which motor vehicles can be equipped with inflatable or other passive occupant restraint systems.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on June 26, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-7782; Filed, July 1, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83, 85, 87, 89, 91, 93, 95, 99]

[Docket No. 18588; FCC 69-707]

LICENSE TERMS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Public Law 87-439, 76 Stat. 58, approved April 27, 1962, amended section 307(e) of the Communications Act to remove the restriction against granting

a license renewal in the Safety and Special Radio Services more than 30 days prior to the expiration of the license term. As a result, although the rules do not spell out the practice, in most of those services we currently treat applications for modification as applications for both modification and renewal and make grants for full 5-year terms, the maximum allowed under the Act. We hereby propose to amend the rules to reflect this practice.

3. In the Public Safety Radio Services, except in the Special Emergency Radio Service, modifications are normally granted only for the balance of the unexpired term of the license being modified. This is done so that practically all of the Public Safety Radio Services licenses in a particular state will expire on the same day, month, and year. The year of expiration is advanced in 4-year increments. The scheduled expiration dates vary from State to State. Thus, the expiration dates of licenses for State X would successively be July 1, 1969; July 1, 1973; July 1, 1977; for State Y they would be August 1, 1969; August 1, 1973; August 1, 1977; etc. Licenses for new stations are thereafter issued to expire on the State's next scheduled expiration date, except where that would result in less than a 1-year term, in which event the State's next succeeding expiration date is used. The same procedure is used to compute the term of a modified license issued during the last 12 months of the original license term. In the Special Emergency Radio Service we follow the practice, described in paragraph 2, of issuing licenses, modifications, and renewals for full 5-year terms.

4. To maintain the expiration schedule for Public Safety radio stations necessitates a sizable amount of work on the part of the Commission. The practice of issuing modifications for full 5-year terms would greatly reduce the number of renewal applications which we now have to process in the Public Safety Radio Services. We have found that about one-fourth of all Public Safety licenses are modified each year. If each were treated as a renewal, it would mean that over a 4-year period we would reduce significantly the number of applications filed solely for renewal. The renewal applications filed would be for only those station licenses not modified during the license term. Even as to those, there should be at least a 20 percent reduction in renewal processing workload inasmuch as those licenses would be renewed only every 5 years, instead of every 4 years as under the existing expiration schedule. It follows that there would also result a savings in processing time to the licensees, who would have fewer applications to be concerned with.

5. The current rule concerning license terms in the Disaster Communications Service, § 99.15, was adopted in contemplation of the use of an expiration schedule like that used in the Public Safety Radio Services. However, such a schedule is not used in the Disaster Communications Service. Accordingly, we propose to amend that section to reflect the actual practice followed, which conforms to the practice in the other Safety and Special Services.

6. In the Amateur Radio Service there are special operating time and code speed requirements which must be satisfied prior to a renewal grant. Therefore, a modification application is not routinely granted for a full license term, but only for the balance of the unexpired term, unless accompanied by a specific request for renewal and a statement concerning satisfaction of the renewal requirements. We contemplate no change in this practice and, therefore, propose no change in the Amateur Radio Service rules.

7. Accordingly, we propose to amend the rules in Parts 81, 83, 85, 87, 89, 91, 93, 95, and 99 as set forth in the attached appendix, so that they will reflect our current licensing practices and will conform the licensing practices in the Public Safety Radio Services to those of the other Safety and Special Radio Services.

8. Certain kinds of applications for radio stations (specified in section 309 of the Communications Act and § 1.962 of our rules) may not be granted earlier than 30 days following the issuance of a public notice. Generally, the public notice is required for new and renewal applications and also for applications for modification of licenses involving substantial changes. An application for minor modification of license of a 309(b) station will be granted, if in order, only for the remainder of the license term and, as provided by section 309(c) of the Act and § 1.962(b) of our rules, will not be put on public notice. However, when such an applicant requests a new full term in an application for a minor modification, we will treat the application as one for modification and renewal and will issue a public notice as required by the Act and our rules.

9. The proposed amendments of the rules are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Commissioners Bartley and Wadsworth absent; Commissioner Johnson concurring in result.

1. Section 81.65(a) is amended to read:

§ 81.65 License term.

(a) Licenses for stations in the maritime service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

2. Section 83.63(a) is amended to read:

§ 83.63 License term.

(a) Licenses for stations in the maritime service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

3. Section 85.61(a) is amended to read:

§ 85.61 License term.

(a) Licenses for Alaska-public fixed stations and stations in the maritime services in Alaska will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

4. In § 87.49 the headnote and paragraph (a) are amended to read:

§ 87.49 License term.

(a) Licenses for stations in the Aviation Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

5. In § 89.73 paragraph (a) is amended to read:

§ 89.73 License term.

(a) License for stations in the Public Safety Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

6. In § 91.63 paragraph (a) is amended to read:

§ 91.63 License term.

(a) Licenses for stations in the Industrial Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

7. In § 93.63 paragraph (a) is amended to read:

§ 93.63 License term.

(a) Licenses for stations in the Land Transportation Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

8. In § 95.33 the headnote and text are amended to read:

§ 95.33 License term.

Licenses for stations in the Citizens Radio Service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

9. Section 99.15 is amended to read:

§ 99.15 License term.

Licenses in the Disaster Communications Service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

[F.R. Doc. 69-7788; Filed, July 1, 1969; 8:47 a.m.]

[47 CFR Parts 2, 81, 83, 87]

SUBALLOCATION OF FREQUENCY BAND ETC.

Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 81, 83 and 87 of the Commission's rules and regulations to suballocate, provisionally, the frequency band 1535–1660 MHz in the interest of fostering developmental programs for aeronautical and maritime purposes; Docket No. 18550; a petition for amendment of Parts 2 and 87 of the Commission's rules and regulations to provide for the use and development of an airborne collision avoidance system; RM–1201.

1. The Commission has received a telegram from Bonzer, Inc., requesting that the time for filing comments in this proceeding be extended to July 7, 1969. In support of its request, Bonzer states that it desires to submit comments but did not become aware of the proceeding until June 19, 1969, the day before comments were to be filed.

2. Bonzer, Inc., may be able to furnish information which would be helpful to the Commission in making a determination in this proceeding. The extension requested, moreover, will not interfere with the conduct of this proceeding or delay its outcome. Accordingly, a grant of the requested extension is in the public interest. This extension should also, of course, apply to the filing of reply comments.

3. In view of the foregoing: *It is ordered*, Pursuant to § 0.251(b) of the rules and regulations, That the time for filing comments in this proceeding is extended to July 7, 1969, and that the time for filing reply comments is extended to July 17, 1969.

Adopted: June 25, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DANIEL R. OHLBAUM,
Deputy General Counsel.

[F.R. Doc. 69-7789; Filed, July 1, 1969; 8:47 a.m.]

[47 CFR Part 91]

[Docket No. 18589; FCC 69-708]

USE OF FREQUENCIES ALLOCATED FOR LAND MOBILE OPERATIONS ON AIRPORTS

Notice of Proposed Rule Making

1. In the second report and order in Docket No. 13847 (FCC 68-128, 33 F.R. 3114), released February 9, 1968, the Commission made available 10 frequency pairs in the Business Radio Service for use in connection with the servicing and supplying of aircraft at airports serving urbanized areas of 200,000 or more population. The new rules provide for the use of two-frequency communication systems at air terminals with a maximum permissible power of 20 watts output for the base-mobile frequencies and 3 watts input for the mobile only frequencies. Subject to certain antenna limitations, mobile stations may also be used to provide the function of a base station on the mobile only frequencies. The rule making also established criteria by which other users in the Business Radio Service could, on a geographic basis, share these frequencies. In or near urbanized areas of 200,000 or more population, low-power in-plant, yard area type Business Radio systems are permitted to use these frequencies to within 5 miles of the boundaries of established airports serving these areas.

2. A petition for rule making seeking to amend the Commission's rules governing the use of aviation terminal frequencies was filed by Aeronautical Radio, Inc. (ARINC), on May 31, 1968. In its petition, ARINC asked that § 91.554 of the rules be changed to allow base station operation on the mobile only frequencies with a maximum power output of 3 watts because the present limitation of 3 watts input provides neither the flexibility of use nor protection they believe desirable for this service. The petitioner requests that operation of low power stations near airports by other Business users be placed on a secondary noninterference basis to air terminal operations. In addition, ARINC asks for rule changes that would require frequency coordination between air terminal users and other Business users operating low power installations near the protected airports. These changes are requested because air terminal users are not, in ARINC's opinion, afforded adequate protection under the present rules.

3. ARINC believes that the present rule provisions will result in serious derogation of the air terminal use. They maintain that 3-watt mobile stations used as base stations, located 5 miles from an airport boundary and transmitting over a nonobstructed path, would override signals from hand held portable equipment on the airport. Even on a coordinated basis, ARINC feels that such operations could cause harmful interference to, and may impair, airport operations to an extent that will render them useless and ineffectual. In view of the fact that many of the subject channels will be shared by several airline users, they request that we provide an additional safeguard by adding the following conditions to rules governing their use: "Such operation will be on a secondary noninterference basis to Air Terminal use in protected areas. Prior coordination is required with the Air Terminal users in the associated area."

4. The provision for use of air terminal frequencies by other Business users at locations 5 miles or more from the boundaries of established airports serving the 87 largest urbanized areas is designed to permit more efficient use of these frequencies outside of aviation terminal locations. Power limitations and mileage separations established in Docket 13847 are believed to be adequate to prevent interference to air terminal operations. No new facts have been presented that would indicate that these provisions are not adequate. During the short time this geographic sharing provision has been in effect, we have had no reported cases of interference. We do not believe that sufficient operating experience has been accumulated under the new rule provisions to warrant modification at this time, and the request to place other Business use on a secondary noninterference basis will be denied.

5. The Commission recently adopted a memorandum opinion and order and notice of proposed rule making in Docket No. 18406, released December 18, 1968, which deals with possible changes in the rules to require frequency coordination for certain specific frequencies in the Business Radio Service including those made available for use at air terminals. In view of this, ARINC's request that we require frequency coordination for shared use of aviation terminal frequencies will not be considered in this proceeding.

6. We propose to grant the request for an increase in permissible power to 5 watts input on aviation terminal mobile frequencies. Other Business users sharing these frequencies at distances between 5 and 75 miles of the boundaries of airports serving urbanized areas of 200,000 or more population would, however, continue to be limited to a maximum of 3 watts input power. The increase in maximum power should permit the desired flexibility sought by the petitioner. Although petitioner asked for an increase in the permissible output power, to maintain consistency with other provisions of the rules, power will be specified in terms of input power to the final radio frequency stage.

7. The petitioner also requests that a few footnote be added to the rules governing use of the air terminal frequencies to provide for single-frequency simplex operation on either base or mobile frequencies on a secondary noninterference basis to, and with no protection from, normal two-frequency operations on the same frequencies. Simplex operation on base station frequencies is permitted under the present rules (limitation (35) of § 91.554(b)), and licensees of such systems are afforded no protection from interference from base stations of two-frequency systems. In addition, a mobile unit transmitting on a mobile only frequency may be used to provide the functions of a base station; however, the separation between the control point and antenna may not exceed 25 feet. In view of these provisions, we do not believe any further rule making looking towards base station use of mobile only frequencies is warranted. To provide the greater flexibility desired by the petitioner, we proposed to modify the 25-foot limitation to permit a greater

horizontal separation between the antenna site and the control point. The modified rule will limit only the vertical separation to 25 feet, and the control point may be placed anywhere it may be needed on the air terminal site.

8. The proposed amendments, as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of section 1.419 of the Commision's Rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 27, 1969.

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

Part 91 of the Commission's rules is amended as follows:

In § 91.554, paragraph (a) is amended by the deletion from the frequency table limitations on the entries beginning 465.650 and ending 465.875 and substituting the limitations as set forth below. Paragraph (b) is amended by adding a new subparagraph (42), as follows:

§ 91.554 Frequencies available.

(a) * * *

[1] Commissioners Bartley and Wadsworth absent; Commissioner Johnson concurring in result.

Frequency or band	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
465.650	Mobile	Permanent use	7, 9, 34, 35, 36, 37, 38, 40, 42
465.675	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.700	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.725	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.750	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.775	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.800	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.825	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.850	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.875	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
* * *	* * *	* * *	* * *

(b) * * *

(42) Maximum permissible power input for stations on airports is 5 watts. Each station authorized on this frequency will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the functions of a base station, provided no harmful interference is caused to mobile unit operations and further provided, that the vertical separation between the control point or ground level and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

* * * * *

[F.R. Doc. 69-7790; Filed, July 1, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1041]

[No. MC-C-3437 (SUB-No. 4)]

AIR DELIVERY SERVICE ET AL.

Interpretation of Operating Rights Authorizing Service at Designated Airports

JUNE 27, 1969.

Petitioners: Air Delivery Service, Bayshore Air Freight, Inc., Con-O-V-Air Freight Service, Inc., Harbourt Air Freight Service, Inc., Pollard Delivery Service, Inc., and Trans Jersey Airfreight Service, Inc.

Petitioners' representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006.

By petition filed May 8, 1969, petitioners request the Commission to institute a rulemaking proceeding for the purpose of amending Subpart B of Part 1041, of Chapter X, 49 CFR, by the adoption of an additional section as follows:

§ 1041.23 Operating authority to serve named airports.

A certificate or permit issued to a motor carrier of property pursuant to Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) authorizing service to or from the air freight terminals of direct and indirect air carriers utilized by such air carriers and in handling property moving into or out of such airports by aircraft, when such air freight terminals are located outside the boundaries of such airports.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed institution of a rulemaking proceeding may do so by the submission of written data, views, or arguments. An original and 14 copies of such data, views, or arguments shall be filed with the Commission on or before August 11, 1969. Each such statement shall contain a statement of position with respect to the proposed rule-making proceeding, and a copy thereof shall be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7795; Filed, July 1, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 17]

THE FULTON INSURANCE COMPANY

Change of Name to John Deere Insurance Company

The Fulton Insurance Company, New York, N.Y., a New York corporation, has formally changed its name to John Deere Insurance Company, effective May 12, 1969. A copy of Certificate of Amendment of the Certificate of Incorporation of The Fulton Insurance Company approved by the Insurance Department of the State of New York on May 12, 1969, changing the name of The Fulton Insurance Company to John Deere Insurance Company, has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated May 12, 1969, has been issued by the Secretary of the Treasury to the John Deere Insurance Company, New York, New York, under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued June 1, 1968 to the Company under its former name, The Fulton Insurance Company. The underwriting limitation of $295,000 previously established for the Company remains in effect until June 30, 1969. A new underwriting limitation of $307,000 for the Company will become effective July 1, 1969.

The change in name of The Fulton Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: June 26, 1969.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-7813; Filed, July 1, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Land Office, Denver, Colo., effective at 10 a.m. on July 31, 1969.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Dependent resurvey of a portion of the south boundary of T. 1 S., Rs. 78 and 79 W., and a metes and bounds survey of Exchange Survey No. 375, and four irregular tracts designated Tracts 37, 38, 39, and 40 in unsurveyed T. 2 S., Rs. 78 and 79 W.

The areas described aggregate 8,970.52 acres of Federally owned lands and 1,776.94 acres of private lands.

2. Tracts 37, 38, and 39 containing 1,776.94 acres are private lands.

3. Tract 40 containing 10.22 acres of public lands is a redesignation of lot 3 as shown on supplemental diagram of fractional sec. 5, said T. 2 S., R. 78 W., dated January 31, 1911.

4. Exchange Survey No. 375 containing 8,960.30 acres is entirely within the Arapaho National Forest. Since the lands are withdrawn for the national forest they will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

J. ELLIOTT HALL,
Manager, Colorado Land Office.

JUNE 25, 1969.

[F.R. Doc. 69-7784; Filed, July 1, 1969; 8:47 a.m.]

[New Mexico 4829]

NEW MEXICO

Notice of Classification, Correction

JUNE 25, 1969.

The notice of classification published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 485), as Document No. 69-376, is corrected as follows:

1. Line 7 of the first paragraph, change Hidalgo County to McKinley and Valencia Counties.

2. This correction is the result of an amendment of the offered lands received on May 14, and May 29, 1969, following publication of notice of classification on January 11, 1969. The record showing comments received and other information is on file and can be examined in the New Mexico Land Office, Post Office and Federal Building, Federal Place, Santa Fe, N. Mex. 87501.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-7785; Filed, July 1, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS; 1969 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts", which modify or are in addition to the provisions of sections 5, 31, 32, and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts" be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1969 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts" are hereby approved this 27th day of June, 1969.

Dated: June 27, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

INCOMING QUALITY REGULATION—1969 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1969 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1969 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64}$- x $^{3}/_{4}$-inch; Spanish and Valencia—$^{15}/_{64}$- x $^{3}/_{4}$-inch; Virginia—$^{15}/_{64}$- x 1-inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, such peanuts may contain up to 3 percent damaged kernels and Virginia type peanuts so produced and which are not stacked at harvest may contain up to 12 percent moisture. In the Southeastern Area and Virginia-Carolina Area, seed peanuts, other than the foregoing Virginia type, may contain up to 11 percent moisture and in the Southwestern Area up to 10 percent moisture. Seed peanuts may have visible *Aspergillus flavus.* However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts and any residual not used for seed, shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. Peanuts residual from those shelled and disposed of for seed purposes may be acquired by handlers if the seed sheller has signed the marketing agreement. If such peanuts have been shelled by a producer or seed sheller who has not signed the marketing agreement, the peanuts may be acquired only upon the condition that they are held and milled separate and apart from other receipts or acquisitions of the handler until inspected and certified (without having been washed, blanched, or cleaned with plastic pellets) as meeting the Outgoing Quality Regulation for the 1969 crop, as being either U.S. No. 1 peanuts or U.S. Splits of the U.S. standards for grades of shelled peanuts, and as being wholesome as determined by a chemical assay for aflatoxin. All chemical assays shall be by a Committee approved laboratory. If the peanuts fail any requirement they shall be disposed of by sale to the Commodity Credit Corporation, by sale for oil stock or by crushing.

(f) *Oil stock.* Handlers who are crushers may acquire as oil stock, peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts for the sole purpose of delivery to crushers: *Provided,* That all such acquisitions shall be held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer, or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee.

OUTGOING QUALITY REGULATION—1969 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1969 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption with respect to which appropriate samples for pretesting have not been drawn in accordance with subparagraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) 1.25 percent damaged kernels, other than minor defects; (2) 2 percent damage and minor defects combined; (3) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners, Spanish or Virginia "with splits" shall not exceed 2 percent. The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this subparagraph (a) shall be as follows:

Grade and type	Screen openings	
	Split and broken kernels	Whole kernels
Virginia	$^{17}/_{64}$-inch round	$^{14}/_{64}$ x 1-inch slot.
Runners	$^{17}/_{64}$-inch round	$^{14}/_{64}$ x $^{3}/_{4}$-inch slot.
Spanish and Valencia	$^{15}/_{64}$-inch round	$^{15}/_{64}$ x $^{3}/_{4}$-inch slot.

(Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Runners or Spanish 2 percent whole kernels which will pass through $^{15}/_{64}$ x $^{3}/_{4}$ slot screen and for Virginias a $^{15}/_{64}$ x 1 slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1 percent

kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a Consumer and Marketing Service laboratory (hereinafter referred to as "C&MS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2 percent peanuts with damaged kernels; (3) with more than 10 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service and sent as requested by the handler or buyer, for aflatoxin assay to a C&MS laboratory or a laboratory listed on the most recent Committee list of approved laboratories. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check sample, for an original 12-pound, "A" sample for aflatoxin assay and for two 12-pound, "B" and "C", aflatoxin assay check samples. Upon the Committee finding, on the basis of original assays, that climatic conditions in any Production Area or State thereof were not conducive to the growth of *Aspergillus flavus*, it may suspend with the approval of the Secretary the drawing of "B" and "C" check samples on peanuts from such origins. All "B" and "C" check samples shall be analyzed in C&MS or designated laboratories. Additional 12-pound samples, "D" and "E" and so on, may be drawn when requested by the buyer and he accepts the costs. If the Federal or Federal-State inspector has access to a "sub-sampling mill", approved by the Peanut Administrative Committee, the sample may be ground in such mill, and the inspector shall forward an appropriate subsample to the laboratory, specified by the handler or buyer, for assay. Each "A" sample, or each "A" subsample, shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. All assay samples shall be positive lot identified and the "B" and "C" samples held by the Service for 30 days, after delivery of the "A" sample, and delivered for assay upon call of the laboratory or the Committee and at the Committee expense. The cost of drawing the "A", "B" and "C" samples and postage for mailing the "A" sample or subsample shall be borne by the handler. When the "A" sample has not been analyzed within 30 days from date of delivery of the "A" sample, and a second set of "B" and "C" samples must be drawn, the cost of drawing and mailing such samples shall be for the account of the holder of the peanuts. Cost of the assay on the "A" sample shall be for the account of the buyer of the lot and of the "B" and "C" samples for Committee account. If the handler elects to pay for the assay of the "A" sample, he shall charge the buyer when he invoices the peanuts and, if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler. If the buyer is not listed in the notice, the results of the assay shall be reported to the handler who shall promptly give notice, or cause notice to be given, to the buyer of the contents thereof.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Interplant transfer.* Until such time as procedures permitting interplant or cold storage movement are established by the Committee, no handler shall so move, beyond the surveillance of the on-premises Federal-State inspector, cleaned inshell or shelled peanuts which have been bagged and tagged for handling under positive lot identification, unless such peanuts have been inspected and certified as meeting the outgoing quality regulation. However, any handler may transfer peanuts not so prepared from one plant owned by him to another of his plants or to commercial storage, without having such peanuts inspected and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{13}/_{64}$- x $^{3}/_{4}$-inch; Spanish and Valencia—$^{15}/_{64}$- x $^{3}/_{4}$-inch; Virginia—$^{15}/_{64}$- x 1-inch; shall be disposed of only by sale as oil stock or by crushing. Fall through may be sold, as to qualities acceptable to it, to the Commodity Credit Corporation and the balance shall be sold as oil stock or crushed. Pickouts shall be sold as oil stock or crushed. For the purpose of this regulation: the term "non-edible quality peanuts described in paragraph (g)(1)" means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fall to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall-through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels or delivered to the Commodity Credit Corporation. Each such category of peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of nonedible quality peanuts described in paragraph (g)(1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. Such peanuts may be disposed of only by crushing into oil and meal or destroyed, unless other disposition is authorized by the Committee and all dispositions shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts shall be deemed to be "restricted" peanuts and the meal produced therefrom shall be used or disposed of as fertilizer or other nonfeed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, peanuts other than pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by Consumer and Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provision of this regulation or of the Incoming Quality Regulation applicable to 1969 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to another handler or crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

TERMS AND CONDITIONS OF INDEMNIFICATION—1969 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify, or arrange for the buyer to notify, the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1969 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these terms and conditions and such is concurred in by the Consumer and Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Consumer and Marketing Service shall, prior to disposition for crushing, cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions, and rates of payment as the Committee may find to be acceptable.

If the Committee and the Consumer and Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary temporary storage and of transportation (excluding demurrage) from the handler's plant or storage to the point within the continental United States where the rejection occurred and from such point to a delivery point specified by the Committee. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1 percent damaged kernels other than minor defects. Lots with damage in excess of 1 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1 percent damage.

The indemnification value of peanuts delivered to the Committee for idemnification shall be the sales contract (including transfer) price established to the satisfaction of, and acceptable to, the Committee or if the lot is unsold the applicable market price determined by the Committee based on quotations in the most recent "Peanut Market News" report published by C&MS.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage and transportation costs from origin to destination and return to point of remilling, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the foregoing contract or market price multiplied by the original weight. On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin, the indemnification payment shall be reduced by an additional 4 percent of the foregoing contract or market price multiplied by the original weight. If such peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnificatiorr payment shall be determined in the same manner but it shall be reduced by 1½ percent of the foregoing contract or market price multiplied by the original weight. Moreover, blanching payments to each handler shall cover any loss sustained on all of his blanched lots of the crop caused by the market value obtained from sale of the blanched product being less than the computed indemnification payments for the original red skin lots.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling. Where a lot has been shipped and the Committee orders remilling, the Committee will pay actual freight charges to the place of remilling but not in excess of the return freight from destination to the origin of the shipment.

Claims for indemnification on peanuts of the 1969 crop shall be filed with the Committee at least 30 days prior to December 31, 1970.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Ga. Upon a determination of the Peanut Administrative Committee, confirmed by the Consumer and Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a C&MS laboratory

or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, of other than the buyer's, to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1969 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1969 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Categories eligible for indemnification are the following:

Cleaned inshell peanuts.

(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting Stock.[1]

U.S. Grade shelled peanuts.

(1) U.S. No. 1.
(2) U.S. Splits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.

Shelled peanuts "with splits".

(1) Runners with splits meeting outgoing quality requirements.
(2) Spanish with splits meeting outgoing quality requirements.
(3) Virginias with splits meeting outgoing quality requirements.

[F.R. Doc. 69-7771; Filed, July 1, 1969; 8:46 a.m.]

[Marketing Agreement 146]

BUDGET OF EXPENSES OF ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR THE 1969 CROP YEAR

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 F.R. 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1969 and for the crop year beginning July 1, 1969, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1969, shall be in the total amount of $250,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1969 Crop Peanuts, effective July 1, 1969, are estimated at, but may exceed $3 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the marketing agreement, an assessment at the rate of $3.25 per net ton of farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) ($0.25 for administrative expenses and $3 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to section 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $3 rate and not expended in providing indemnification on 1969 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: June 27, 1969.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-7818; Filed, July 1, 1969; 8:49 a.m.]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Erythromycin

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 petitions (35-455V, 31-456V) have been filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing that § 121.249 *Food additives for use in milk-producing animals* (21 CFR 121.249) be amended to provide for the safe use of a formulation containing erythromycin, chlorobutanol, polysorbate 65, and triglyceride saturated fatty acids from coconut oil. A proposed condition of use is that milk taken from treated animals for 24 hours (two milkings) after the latest treatment must not be used for food.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7755; Filed, July 1, 1969; 8:45 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0838) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR 120.234) for residues of the insecticide *O,O*-diethyl *O*-[*p*-(methylsulfinyl) phenyl] phosphorothioate in or on the raw agricultural commodities: Peanut hulls at 7 parts per million; sugar beets and sugar beet tops at 0.1 part per million; and peanuts at 0.03 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a thermionic emission-gas chromatographic procedure using a phosphorus-sensitive detector.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7756; Filed, July 1, 1969; 8:45 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additives

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:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a division of Eli Lilly & Co., 640 South Alabama Street, Indianapolis, Ind. 46206, has withdrawn its petition (40-340V), notice of which was published in the FEDERAL REGISTER of November 9, 1968 (33 F.R. 16478), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of methyltestosterone, diethylstilbestrol,

and tylosin in feed of swine for improved feed efficiency and increasing lean carcass yield.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7757; Filed, July 1, 1969; 8:45 a.m.]

NATIONAL DRUG CODE SYSTEM

Notice Requesting Drug Firms To Apply for Labeler Identity Code Designations

The Secretary of Health, Education, and Welfare, acting on the recommendations of the Task Force on Prescription Drugs, has directed the Commissioner of Food and Drugs to establish a National Drug Code System.

The National Drug Code System will provide an identification system in computer language to permit automated processing of drug data by Government agencies, drug manufacturers and distributors, hospitals, and insurance companies.

The system has been developed with Government-industry agreement and will consist of a nine-character National Drug Code (NDC). The first three characters are the Labeler Identity Code and will be assigned by the Food and Drug Administration. The next four characters are the Drug Product Identity Code and the last two characters are the Trade Package Identity Code and these will be assigned by the drug firms within parameters defined by FDA.

When codes have been assigned, a National Drug Code Directory will be published by the Government to provide a complete listing of drugs and their code designations.

The Commissioner of Food and Drugs therefore requests all firms which manufacture and label or which repackage and label drugs to apply for Labeler Identity Code designations. Initially, a code designation cannot be assigned to a person whose only connection with drugs is that of a retailer, wholesaler, jobber, or distributor, even though his name appears on the label as such. It is preferable that such applications be submitted within 30 days of publication of this notice in the FEDERAL REGISTER. Applications should be addressed to the Director, Science Information Facility (CS-30), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Along with their Labeler Identity Codes, all firms will be sent an instruction package outlining how product and trade package codes should be assigned, how drug product information should be returned to FDA for incorporation in the National Drug Code Directory, and how the code should be used in labeling.

Dated: June 24, 1969.

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

[F.R. Doc. 69-7758; Filed, July 1, 1969; 8:45 a.m.]

SMITH KLINE & FRENCH LABORATORIES

Notice of Withdrawal of Petition for Food Additive Parbendazole

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:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101, has withdrawn its petition (40-302V), notice of which was published in the FEDERAL REGISTER of October 30, 1968 (33 F.R. 15952), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of parbendazole (methyl 5-butyl-2-benzimidazolecarbamate), administered as an oral drench, in cattle as an anthelmintic against various species of gastrointestinal nematodes.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7759; Filed, July 1, 1969; 8:45 a.m.]

SMITH KLINE & FRENCH LABORATORIES

Notice of Withdrawal of Petitions for Food Additives

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:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101, has withdrawn its petitions (40-166V and 40-167V), notice of which was published in the FEDERAL REGISTER of September 14, 1968 (33 F.R. 13043), proposing the issuance of food additive regulations (21 CFR Part 121) to provide for the safe use of parbendazole (methyl 5-butyl-2-benzimidazolecarbamate) as an anthelmintic for use against various species of gastrointestinal nematodes when administered to cattle in medicated pellets and in medicated feed.

Dated: June 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner For Compliance.

[F.R. Doc. 69-7760; Filed, July 1, 1969; 8:45 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0839) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR 120.212) for negligible residues of the herbicide *S-ethyl* cyclohexylethylthiocarbamate in or on the raw agricultural commodities beet roots and beet tops at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the residues are extracted by direct steam distillation and determined gas chromatographically using either a microcoulometric or a flame photometric detector.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7761; Filed, July 1, 1969; 8:45 a.m.]

WASHINGTON LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2424) has been filed by Washington Laboratories, Inc., Pier 66, Seattle, Wash. 98121, proposing that § 121.1009 *Polysorbate 80* (21 CFR 121.1009) be amended to provide for the safe use of polysorbate 80 in the cooking water of shellfish.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7762; Filed, July 1, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Delegation of Authority

SECTION A. The Assistant Secretary for Mortgage Credit and Federal Housing Commissioner (herein called the Assistant Secretary), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), with respect to the Program of Loans for Housing for the Elderly or Handicapped, except the authority to:

1. Establish the rate of interest on Federal loans.
2. Sue and be sued.

3. Exercise the powers and authorities set forth in section 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

SEC. B. The Assistant Secretary is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated under section A.

SEC. C. The Assistant Secretary is further authorized to:

1. Redelegate to one or more employees under his jurisdiction any of the authority delegated under section A and authorize successive redelegations thereof to subordinate employees.

2. Redelegate to Regional Administrators and to Deputy Regional Administrators any of the authority delegated under section A and authorize successive redelegations thereof to Regional employees.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority shall be effective as of June 27, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-7810; Filed, July 1, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Statement of Organization, Functions, and Delegations of Authority

Correction

In F.R. Doc. 69-7513 appearing at page 9895 in the issue of Thursday, June 26, 1969, the word "and" in the ninth line of the second paragraph should be changed to read "from".

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

TIRE MANUFACTURERS

Approved Code Marks

Section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1421) and section 4.3 of Motor Vehicle Safety Standard No. 109 (49 CFR 371.21), as amended (33 F.R. 19711), requires that each tire be labeled with the name of the manufacturer or his brand name and an approved code mark to permit the seller to identify the manufacturer of the tire to the purchaser upon request. A list of approved code marks, assigned as of May 28, 1968, was published in 33 F.R. 8609. Since that time additional applications have been received and assignments made, and number 173 has been withdrawn because Gulf Tire & Supply Co. was not considered to be a manufacturer of tires within the meaning of section 201 of the Act (see 34 F.R. 7253). For the convenience of persons desiring this information, those assignments made as of May 28, 1968, as well as the additional approved code marks assigned as of May 15, 1969, are included and listed below:

125 The Gates Rubber Co.
126 McCreary Tire and Rubber Co.
127 Uniroyal, Inc.
128 Cooper Tire and Rubber Co.
129 Michelin Reifenwerke A.G. (Germany).
130 Michelin Tyre Co., Ltd. (England).
131 S.A. Belge Du Pneumatique Michelin (Belgium)
132 S.A.F.E. de Neumaticos Michelin (Spain).
133 Manufacture Francaise Des Pneumatiques Michelin (France).
134 N.V. Nederl. Banden-Industrie Michelin (Holland).
135 S.p.A. Michelin Italiana (Italy).
136 Michelin Ltd. (Nigeria).
137 The Mohawk Rubber Co.
138 The Kelly-Springfield Tire Co.
139 Denman Rubber Manufacturing Co.
140 Dunlop Tire and Rubber Corp.
141 Dunlop Canada Ltd. (Canada).
142 The Dunlop Co., Ltd. (England).
143 Dunlop Aktiengesellschaft (Germany). Formerly—Deutsche Dunlop Gummi Compagnie A.G.
144 Societe Anonyme des Pneumatiques-Dunlop (France).
145 The B. F. Goodrich Co.
146 The Seiberling Tire and Rubber Co.
147 The Firestone Tire and Rubber Co.
148 The Mansfield Tire and Rubber Co.
149 The Toyo Rubber Industry Co., Ltd. (Japan).
150 Mansfield-Denman General Co., Ltd. (Canada).
151 The General Tire and Rubber Co.
152 Lee Tire and Rubber Co.
153 The Armstrong Rubber Co.
154 The Dayton Tire and Rubber Co.
155 Firestone Tire and Rubber Co. of Canada Ltd. (Canada).
156 Brema Societa Per Azioni (Italy).
157 Firestone Hispania S.A. (Spain).
158 Phoenix Gummiwerke Aktiengesellschaft (Germany).
159 Firestone-Viskafors Gummifabrik Aktiebolag (Sweden).
160 Ohtsu Tire and Rubber Co., Ltd. (Japan).
161 Firestone Tyre and Rubber Co., Ltd. (England).
162 The Irish Dunlop Co., Ltd. (Ireland)
163 B. F. Goodrich Canada Ltd. (Canada).
164 Firestone France S.A. (France).
165 N.V. Nederlandsch-Amerikaansche Autobandenfabriek Vredestein (Netherlands)
166 Continental Gummi Werke A.G. (Germany).
167 Uniroyal Ltd. (Canada).
168 Pennsylvania Tire and Rubber Company of Mississippi, Inc.
169 The Goodyear Tire and Rubber Co.
170 The Goodyear Tire and Rubber Co. of Canada, Ltd. (Canada).
171 Seiberling Rubber Co. of Canada Ltd. (Canada).
172 Metzeler A.G. (Germany).
173 Number withdrawn—See No. 145.
174 Sumitomo Rubber Industries, Ltd. (Japan).
175 Gummiwerke Fulda GMBH (Germany).
176 Semperit Osterrichisch-Amerikanische Gummiwerke Aktiengesellschafe (Austria).
177 Bridgestone Tire Co., Ltd. (Japan).
178 Nitto Tire Co., Ltd. (Japan).
179 General Fabrica Espanola Del Caucho, S.A. (Spain).
180 CEAT Societa Per Azioni (Italy).
181 The Yokohama Rubber Co., Ltd. (Japan).
182 Trelleborg Rubber Co., Inc. (Sweden).
183 Madras Rubber Factory Ltd. (India).
184 Veith-Pirelli AG (West Germany).
185 CEAT Tyres of India Ltd. (India).
186 Kleber Colombes Co. (France).
187 Alliance Tire and Rubber Co., Ltd. (Israel).
188 Pirelli S.p.A. (Italy).
189 Productos Pirelli S.A. (Spain).
190 Pirelli Ltd. (England).
191 Pirelli—Hellas S.A. (Greece).
192 Turk—Pirelli Lastiklery A.S. (Turkey).
193 Avon Rubber Co., Ltd. (England).
194 Manufactura Nacional de Borracha, S.A.R.L. (Portugal).
195 Industria Firestone De Costa Rica.

This notice is made under the authority of sections 103, 119, and 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407, 1421).

Issued: June 25, 1969.

ROBERT BRENNER,
Acting Director,
National Highway Safety Bureau.

[F.R. Doc. 69-7783; Filed, July 1, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-225]

RENSSELAER POLYTECHNIC INSTITUTE

Order Extending License Expiration Date

By application dated May 29, 1969, Rensselaer Polytechnic Institute of Troy, N.Y., requested renewal of Facility License No. CX-22. The license authorizes the Institute to possess, use and operate a 100-watt (thermal) critical experiment facility in Schenectady, N.Y.

Application having been filed for renewal of said facility license pursuant to § 50.51 of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered,* That Facility License No. CX-22 which expires on June 30, 1969, is renewed for a period to expire June 30, 1979.

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

For the Atomic Energy Commission.

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

[F.R. Doc. 69-7768; Filed, July 1, 1969; 8:46 a.m.]

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Proposed Issuance of Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of a facility license, substantially in

the form set forth below, to the University of Illinois which would authorize the operation of an Advanced TRIGA nuclear reactor facility at steady-state power levels up to 1,500 kilowatts (thermal) on its campus in Urbana, Ill. Construction of the reactor was authorized by Construction Permit No. CPRR–105 issued August 9, 1968.

Prior to issuance of the license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR–105. Also, the University of Illinois 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 fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this facility license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) the application dated August 28, 1967, and supplements thereto, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed Technical Specifications, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of June 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED FACILITY LICENSE

License No. ------

The Atomic Energy Commission ("the Commission") having found with respect to the application for license of the University of Illinois (hereinafter "the licensee") that:

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

2. The reactor has been constructed in conformity with Construction Permit No. CPRR–105, and will operate in conformity with the application, the Act and the rules and regulations of the Commission;

3. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

4. The University of Illinois is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

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

6. The University of Illinois is a nonprofit, educational institution and will operate the reactor for the conduct of educational activities. The licensee is therefore exempt from the financial protection requirements of section 170 of the Act.

Facility License No. R–------ effective as of the date of issuance, is issued as follows:

1. This license applies to the Advanced TRIGA nuclear reactor (herein "the reactor"), owned by the University of Illinois and located on its campus in Urbana, Ill., and which is described in the application for license dated August 28, 1967, and supplements thereto dated October 26, 1967, and March 29, May 17, November 15, December 31, 1968, and February 21, March 26, and May 15, 1969 (herein referred to as "the application"), and authorized for construction by Construction Permit No. CPRR–105.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University of Illinois:

A. Pursuant to section 104c of the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", to possess, use, and operate the reactor as a utilization facility in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, Chapter I, CFR, Part 70, "Special Nuclear Material", to receive, possess and use up to 5 kilograms of uranium-235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, Chapter I, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

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

A. *Maximum power level.* The licensee may operate the reactor at steady-state power levels up to a maximum of 1,500 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

4. This license is effective as of the date of issuance and shall expire at midnight, August 9, 1998.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Attachment: Appendix A—Technical Specifications.[1]

Date of Issuance:

[F.R. Doc. 69–7875; Filed, July 1, 1969; 8:49 a.m.]

[Docket No. 50–197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Proposed Issuance of Construction Permit and Amended Facility License

The Atomic Energy Commission (hereinafter "the Commission") is considering the issuance of a construction permit, substantially as set forth below, to the National Aeronautics and Space Administration (NASA) of Cleveland, Ohio. The permit would authorize NASA to make alterations to its Zero Power Reactor II (ZPR–II) which is located on NASA's Lewis Research Center site in Cleveland. The ZPR–II was operated at 10 watts (thermal) under Facility License No. CX–21 using a 30-inch core tank. On February 17, 1969, the Commission issued Amendment No. 1 to Facility License No. CX–21 which authorized NASA to partially disassemble the ZPR–II in preparation for installation of a 10-inch core tank and other minor alterations.

As the application is complete enough to permit all evaluations, upon completion of the alterations to ZPR–II in compliance with the terms and conditions of the application and the construction permit, and in the absence of good cause to the contrary, the Commission will issue to NASA without further prior notice an amended facility license. The amended license, substantially as set forth below, would authorize NASA to operate the modified ZPR–II at increased power levels up to 100 watts (thermal) and to receive, possess and use up to a 5-curie plutonium-beryllium neutron source in connection with operation of the reactor.

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

For further details with respect to these proposed issuances, see (1) the

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

application dated April 25, 1969, and supplement thereto dated June 5, 1969, (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's 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 30th day of June 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

Construction Permit No. CPCX-------

1. By application dated April 25, 1969, and supplement thereto dated June 5, 1969, the National Aeronautics and Space Administration (NASA) requested authority to make alterations to its Zero Power Reactor II (ZPR-II) located at NASA's Lewis Research Center in Cleveland, Ohio. The altered ZPR-II will be operated in the place of the former ZPR-II under amended Facility License No. CX-21.

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

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

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. NASA is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. NASA has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public; and

F. The issuance of a construction permit to NASA for alteration of ZPR-II will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10 CFR Part 50 "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to NASA to alter the ZPR-II in accordance with the application and this permit. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is August 15, 1969. The latest completion date of the facility is December 15, 1969. The term "completion date," as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material; and

B. The reactor facility to be altered is the ZPR-II which is located at NASA's Lewis Research Center in Cleveland, Ohio, as specified in the application.

4. Upon completion of the alteration of the reactor in accordance with the terms and conditions of this permit, upon finding by the Commission that the facility authorized has been reconstructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue to NASA Amendment No. 2 to Facility License No. CX-21, as proposed this date, the expiration date of which is midnight, April 12, 1972.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED AMENDED FACILITY LICENSE

License No. CX-21 Amendment No. 2

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

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

B. The reactor has been constructed in conformity with Construction Permit No. CPCX-19 and altered in conformity with Construction Permit No. CPCX-------, and will be operated in conformity with the application, the Act, and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. The National Aeronautics and Space Administration is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The issuance of this license, as amended, for the possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. The National Aeronautics and Space Administration is a Federal Agency which does not have to furnish proof of financial protection and has executed an indemnity agreement which satisfies the requirements of 10 CFR Part 140.

2. Facility License No. CX-21, as amended, is hereby amended in its entirety to read as follows:

A. This license applies to the solution-type critical experiments facility designated as the Zero Power Reactor II (ZPR-II) (herein referred to as "the reactor" or "ZPR-II") which is owned by the National Aeronautics and Space Administration (hereinafter, "the Space Administration (hereinafter, "the Lewis Research Center in Cleveland, Ohio, as described in the application dated April 28, 1961, and amendments thereto, including amendment dated April 25, 1969, and supplement thereto dated June 5, 1969 (herein referred to as "the application").

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

(1) Pursuant to section 104c of the Atomic Energy Act of 1954, as amended and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities, to possess, use and operate the reactor as a utilization facility at the designated location in Cleveland, Ohio, in accordance with the procedures and limitations described in the application and in this license;

(2) Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess, and use up to (1) 53 kilograms of contained uranium-235 and (2) 5 curies of plutonium contained in an encapsulated plutonium-beryllium neutron source, both in connection with operation of the ZPR-II; and

(3) Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

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

(1) *Maximum power level.* The licensee may operate the ZPR-II at steady-state power levels up to a maximum of 100 watts (thermal).

(2) The licensee shall not operate the ZPR-II while the ZPR-I is in operation.

(3) *Technical specifications.* The technical specifications contained in Appendix A hereto are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

D. This amended license is effective as of the date of issuance and shall expire at midnight, April 12, 1972.

For the Atomic Energy Commission.

Attachment: Appendix A—Technical Specifications.[1]

Date of issuance:

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-7904; Filed, July 1, 1969; 9:52 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-33]

ATLANTIC & GULF/WEST COAST OF SOUTH AMERICA CONFERENCE AGREEMENT NO. 2744-30, ET AL.

Order Instituting Proceeding

Nine conferences of carriers that operate between the United States and Central and South America have filed modifications of their basic agreements for approval in accordance with the provisions of section 15 of the Shipping Act,

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

1916. The modifications have been assigned agreement numbers as follows:

Conference name	Agreement No.
Atlantic & Gulf/West Coast of Central America and Mexico Conference	8300-8
Atlantic & Gulf/West Coast of South America Conference	2744-30
East Coast Colombia Conference	7590-16
Leeward & Windward Islands & Guianas Conference	7540-18
United States Atlantic & Gulf-Haiti Conference	8120-8
United States Atlantic & Gulf-Jamaica Conference	4610-13
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference	6190-23
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference—oil Companies Contract Agreement (Proprietary Cargo)	6870-11
West Coast South America Northbound Conference	7890-5

Each such modification adds the following paragraph to the existing agreement:

No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference, in conformity with any such rate agreement; or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, no member line, either individually or in concert with any other member line or lines or any nonmember line or lines, may negotiate, establish, publish, file, or operate under any through intermodal transportation rates or issue any through bills of lading otherwise than pursuant to the formal action and authorization of the Conference.

Each agreement has also been modified to delete any language that would conflict with implementation of the new provision. The conferences state that they ask for authority to establish through rates between points in the United States and points in the countries they serve by arrangements with carriers of other modes of transportation and to permit each conference to adopt a uniform through bill of lading. Individual member lines are precluded from offering through service outside the conference mechanism.

By letter dated February 7, 1969, Mr. N. I. Bass, Attorney, Advisor, Section of Opinions of the ICC, stated that the subject agreements appear to be an attempt by the applicants to indirectly secure antitrust relief for rate-making activities among carriers of different classes which they cannot lawfully obtain directly under present statutory law. Since each of the carrier classes is subject to the jurisdiction of different regulatory agencies, Mr. Bass believes that neither the FMC nor the ICC has exclusive jurisdiction over the activities of all the carrier parties so as to confer the antitrust immunity sought by the conference. Mr. Bass further advised that the foregoing reflects his opinion and was not an official expression of the views of the Interstate Commerce Commission.

A request for an investigation and hearing was received from Mr. R. J. Riddick, Executive Secretary of the Freight Forwarders Institute, Washington, D.C. The Institute is a voluntary association of common carriers holding permits under Part IV of the Interstate Commerce Act. The protestants allege that the conference is attempting to assert jurisdiction over inland cargo movements in the United States and would presume to afford legal rights concerning such movements to its members which neither it nor the Federal Maritime Commission can legally give. Mr. Riddick states that, "If it is intended that the members of the Conference would perform functions set forth in section 402 of the Interstate Commerce Act, 49 U.S.C. § 1002, the performance of such functions would result in violations of that Act." (Section 402 entitled "Definitions and Exemptions" defines the functions of a freight forwarder.)

It is further alleged that the proposed expansion of ocean common carrier operations into the interstate commerce of the United States would result in confusion to the shipping public and would be detrimental to commerce and contrary to the public interest.

The last allegation is not supported in any way in the protest, and no reason appears why such effects will, or are likely to, occur. However, it is the Commission's view that Mr. Bass' letter and the arguments of the protestants, viewed in the light of the great interest in the establishment of through intermodal rates and services, raise timely questions not heretofore specifically ruled upon by the Commission.

It is therefore ordered, That a proceeding be instituted, pursuant to sections 15, 18(b), and 22 of the Shipping Act, 1916, to develop the issues raised by the protestants (except that allegation disposed of above), by Mr. Bass, and by the conferences' responses thereto, so as to assist the Commission in determining whether the nine pending agreements should be approved, disapproved or modified; and

It is therefore ordered, That such proceedings be limited to the filing of briefs and an oral argument on the following issues:

1. Whether the concerted activities stated in the new paragraph to be added to each agreement are approvable in the form requested by the conferences.

2. The extent to which the Commission has jurisdiction to approve such agreements.

3. The extent to which the Commission may accept for filing under section 18(b) of the Shipping Act, 1916, the through rate tariffs and through bills of lading that appear to be contemplated by the agreements.

4. The extent of the antitrust immunity that would stem from approval of the agreements.

It is further ordered, That notice of this proceeding be published in the FEDERAL REGISTER. Persons having a direct interest in the matter, other than respondents, protestant, and Hearing Counsel may file petitions to intervene on or before July 11, 1969, with copies to all parties, in accordance with § 502.72 of the Commission's rules of practice and procedure.

Affidavits of fact and memoranda of law shall be filed on or before July 22, 1969. Replies thereto shall be filed on or before August 6, 1969. An original and 15 copies must be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to all parties. Oral argument will be heard at a date to be announced later.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

RESPONDENTS

Mr. C. D. Marshall, Chairman, Atlantic & Gulf/West Coast of Central America and Mexico Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, Atlantic & Gulf/West Coast of South America Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, East Coast Colombia Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Haiti Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Jamaica Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference, 11 Broadway, New York, N.Y., 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference—Oil Companies Contract Agreement (Proprietary Cargo), 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, West Coast South America Northbound Conference, 11 Broadway, New York, N.Y. 10004.

PROTESTANT

Mr. Richard J. Riddick, Executive Secretary, Freight Forwarders Institute, 410 Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006.

[F.R. Doc. 69-7791; Filed, July 1, 1969; 8:47 a.m.]

[Docket No. 69-32]

[Agreement 9772]

NETHERLANDS-BELGIUM/U.S. NORTH ATLANTIC TRADE

Order of Investigation and Hearing Regarding Rate Agreement

The Commission has before it an application for approval of a rate agreement, pursuant to section 15 of the Shipping Act, 1916, between the Continental North Atlantic Westbound Freight Conference (Agreement 8210, as amended),

Hamburg-Amerika Linie, Meyer Line and Norddeutscher Lloyd in the trade from The Netherlands and Belgium to the U.S. North Atlantic. The agreement has been designated Federal Maritime Commission Agreement No. 9772. In pertinent part the agreement provides as follows:

> That said parties, consistent with their obligations, if any, under any conference or other agreement in the trade covered by this Agreement, intend, by one or more representatives, to confer with each other and discuss together from time to time the matter of rates, charges, classifications, practices, and tariff matters appropriate and conformably with law and the interests of the foreign commerce between the United States and the continental ports of Europe in the Antwerp/Hamburg range to be charged or observed by them in the trade with such ports as indicated above covered by their services; and to agree on various rates, charges, classifications, practices, and related tariff matters, to be charged or observed by them respectively. Any rate, charge classification, practice, or related tariff matter of any party may be altered upon first giving the other parties at least 48 hours' advance notice thereof.

A number of questions concerning the approvability of this agreement are raised by the above language. The Commission's staff has been advised orally that any agreement as to rates is limited to the trade from The Netherlands and Belgium to the U.S. North Atlantic. Also, it is stated that the agreement authorizes any two or more parties to the agreement separately to confer, discuss, and fix rates. Such interpretations may not be apparent from a normal reading of the above language, hence, there is at the outset a question whether the agreement should be modified so as to state clearly its intended operation.

Futhermore, the scope of the agreement extends to the trade "between the United States and the continental ports of Europe in the Antwerp/Hamburg range," which includes trades covered by other approved rate agreements. Some of the parties to Agreement 9772 are also parties to the other approved agreements. It is not clear how this agreement is to operate in those trades in which some other agreement has rate authority or the effect of such dual operations.

Moreover, if Agreement 9772 is approved, it is not clear what the operation of the Continental North Atlantic Westbound Freight Conference will be once it becomes a single party to the agreement or whether its continued operation within a larger group of carriers is desirable.

The parties to the agreement submitted statements purporting to demonstrate a transportation need. In essence, the purported need is that without the said agreement there is a possibility or even likelihood of serious rate competition which would disrupt the trade in the future. There is no allegation, and available facts would seem to indicate otherwise, that any serious disruptive rate competition has occurred to date. This, plus the fact that one rate agreement for this trade is already approved and in existence, suggests that an investigation should be held to receive further evidence with respect to the alleged transportation need for Agreement No. 9772.

All of the parties to this agreement separately filed general rate increases to become effective on March 3, 1969. At present it appears that the rates of all parties are nearly identical. This raises a question whether the parties have acted in concert with respect to rates prior to receiving approval of their agreement.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission institute an investigation to determine (1) whether Agreement No. 9772 would be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and on the basis of the findings, to determine whether Agreement No. 9772 should be approved, disapproved, or modified; and (2) whether the parties have carried out this agreement prior to approval in violation of section 15;

It is further ordered, That the parties listed in the appendix attached hereto be made respondents in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX

Meyer Line, c/o Boyd, Weir, Sewell, Inc., General Agents, 17 Battery Place, New York, N.Y. 10004.

Hamburg-Amerika Linie, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.

Norddeutscher Lloyd, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.

Continental North Atlantic Westbound Freight Conference, Mrs. M. Bourgeois, Secretary, 79 De Bomstraat, Antwerp, Belgium.

[F.R. Doc. 69-7792; Filed, July 1, 1969; 8:47 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Notice of Hearing

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146; 81 Stat. 466, the National Commission on Product Safety will hold public hearings at 9:30 a.m. on July 29, 1969, in Room 2154, Rayburn House Office Building, Washington, D.C. The hearings will deal with the safety of glass bottles and other containers used by consumers in or around the household, including:

(i) Nature, cause, frequency, and severity of injuries associated with glass bottles and other containers, especially those which are pressurized;

(ii) Scope and adequacy of designs, testing procedures, and standards in the container manufacturing and glass bottling industries, especially those applicable to containers which are pressurized;

(iii) Liability of manufacturers and bottlers for injuries caused by defective glass bottles and other containers and the effect of such civil liability in promoting safety;

(iv) Methods of eliminating or reducing such unreasonable hazards as may exist.

Interested persons are invited to attend and participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than July 21, 1969. Such statements will be made a part of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of their proposed testimony by July 21, 1969. The Commission will attempt to grant such requests to the extent time permits.

Persons desiring to furnish oral testimony or to submit statements at subsequent Commission hearings are invited to so advise the Commission in writing specifying the proposed subject of their testimony and group affiliation, if any.

Dated: June 30, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-7874; Filed, July 1, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4763]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of Common Stock by Holding Company and Exemption From Competitive Bidding

JUNE 25, 1969.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a declaration and an amendment thereto 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 transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to issue and sell, through an underwritten public offering, 2,540,097 additional shares of its authorized but unissued common stock, par value $6.50 per share. The terms of the proposed sale will be determined by negotiations with investment bankers. AEP believes that, under present conditions, a procedure involving competitive bids for an offering of AEP's common stock of between $80-$90 million would result in a lower price and a greater cost to AEP than the procedure herein proposed. As a result, AEP hereby requests the Commission to take appropriate action, pursuant to Rule 50(a)(5), to exempt the issue and sale of the additional common stock from compliance with the competitive bidding requirements of that rule so as to authorize AEP to enter into negotiations with investment bankers, under circumstances where competitive conditions are maintained, to establish the terms and conditions under which the additional common stock is to be issued and sold.

AEP proposes to use the proceeds of the sale of the common stock to pay and retire AEP's short-term debt, consisting of commercial paper and notes to banks, which is estimated not to exceed $85 million. Any excess proceeds will be used by AEP for other corporate purposes, including a cash capital contribution or contributions prior to December 31, 1969, to one or more of its public-utility subsidiary companies.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses incident to the proposed transaction are to be filed by amendment.

Notice is further given that any interested person may, not later than July 8, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon AEP 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 amended or as it may be further 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.

By the Commission.

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

[F.R. Doc. 69-7772; Filed, July 1, 1969; 8:46 a.m.]

[70-4764]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

JUNE 26, 1969.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa. 19605, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $25 million principal amount of First Mortgage Bonds, _____ percent Series, due August 1, 1999. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Met-Ed (which shall not be less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from August 1, 1969, to the date of delivery) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of November 1, 1944, between Met-Ed and Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), trustee, as heretofore supplemented, and as to be further supplemented by a supplemental indenture to be dated August 1, 1969.

The filing states that the proceeds (other than premium, if any, and accrued interest) from the sale of the bonds will be deposited with the trustee under the indenture and withdrawn from time to time against bondable value of property additions. It is estimated that at the issue date of the bonds approximately $19 million of such proceeds will be withdrawn. Such proceeds, together with funds made available from operations and cash contributions to Met-Ed by GPU will be used for the purpose of financing Met-Ed's business as a public-utility company, including reimbursement of Met-Ed's treasury for expenditures therefrom for construction purposes (including interest charged to construction) and to pay bank loans outstanding at the time of the sale of the bonds which loans are expected to aggregate $23 million. Any premium realized from the sale of the bonds will be utilized for the financing of Met-Ed's business including the payment of the expense of this financing. The balance of the proceeds from the sale of the bonds will be withdrawn from time to time during a period expected to be less than 1 year as bondable value of property additions permits. The cost of Met-Ed's 1969 construction program is estimated at approximately $102,100,000 and such costs and other cash requirements will be met from funds derived from operations, funds made available from cash capital contributions, funds from the issue and sale of the bonds, and funds from short-term bank loans, which bank loans are expected to aggregate $34 million at the end of 1969.

It is stated that the fees and expenses incident to the proposed transaction are estimated at $84,000, including counsel fees of $27,000 and accounting fees of $5,300. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the issue and sale of the bonds is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 18, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or

by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-7773; Filed, July 1, 1969; 8:46 a.m.]

BARTEP INDUSTRIES, INC.

Order Suspending Trading

JUNE 27, 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 June 29, 1969, through July 8, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7774; Filed, July 1, 1969; 8:46 a.m.]

COMMERICIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JUNE 27, 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 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 30, 1969, through July 9, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7775; Filed, July 1, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JUNE 27, 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. 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 29, 1969, through July 8, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7776; Filed, July 1, 1969; 8:46 a.m.]

INTERCONTINENTAL INDUSTRIES, INC.

Order Suspending Trading

JUNE 26, 1969.

The common stock, $1 par value, of Intercontinental Industries, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Intercontinental Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 26, 1969, 1:30 p.m., e.d.t., through July 5, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7777; Filed, July 1, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JUNE 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc., 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 26, 1969, at 11 a.m., e.d.t., through July 5, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7778; Filed, July 1, 1969; 8:46 a.m.]

[812-2535]

WHITEHALL MANAGEMENT CORP. ET AL.

Notice of and Order for Hearing on Application for Exemption From Certain Provisions

JUNE 25, 1969.

Notice is hereby given that Pinestock Associates, Inc. ("Pinestock"), Fiduciary Equity Associates, Inc. ("FEA"), and Quasar Associates, Inc. ("Quasar"), 140 Broadway, New York, N.Y. 10005 (collectively the "Funds"), all open-end investment companies registered under the Investment Company Act of 1940 ("Act"), and Whitehall Management Corp. ("Whitehall"), a Delaware corporation which acts as investment adviser to the Funds, have applied pursuant to section 6(c) of the Act for an order exempting them from Rule 22c-1 of the rules and regulations under the Act, to the extent necessary to permit the shares of Funds to be priced for sale semimonthly. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Funds were organized to serve as investment vehicles for customers of Donaldson, Lufkin & Jenrette, Inc. ("DLJ"), an investment banking firm and member of the New York Stock Exchange which is the holder of all the outstanding shares of Whitehall.

All sales of shares of the Funds are made through DLJ and are made without the imposition of a sales charge. A minimum initial investment is required of $10,000 for Pinestock and FEA and $100,000 for Quasar. Each of the Funds has reserved the right to decline to accept subscriptions. Under the investment advisory agreements presently in effect, the computation of net asset values for each of the Funds is performed by Whitehall.

On March 31, Pinestock had net assets of $26,693,800 and 522 stockholders, FEA had net assets of $17,407,100 and 92 stockholders, and Quasar had net assets of $3,236,100 and 60 stockholders.

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.

Whitehall and the Funds propose to price shares for sale at the net asset value as of the close of trading on the New York Stock Exchange on the 15th day (or the first business day thereafter if the 15th day is not a business day) and on the last business day of each month. Subscriptions received prior to the close of the New York Stock Exchange on those days are to be priced at net asset value per share as of such close of business.

Subscriptions submitted prior to the two monthly dates on which sales will be made will not be accepted until such dates and will be revocable at the option of the subscriber at any time prior thereto. Redemption of shares by all three funds will be made daily, and any shares tendered for redemption and received prior to the close of the New York Stock Exchange on any day will be valued as of such close of business.

Shares of Pinestock and FEA are currently being offered on the semimonthly basis described above. Shares of Quasar are currently offered on a daily basis.

Whitehall represents that unless this application is granted, the amount of employee and supervisory time and payroll devoted to determining the net asset values of the Funds will have to be substantially increased.

In the case of each of the Funds, the investment advisory fee paid to Whitehall is based on performance but is never less than certain costs assumed by Whitehall, including the cost of determining net asset value. In any year in which such costs are greater than the performance fee, the difference, including the cost of determining net asset value on a daily basis, would be borne by shareholders of the Funds. In a year in which the performance fee is greater than the certain costs, the increased cost due to daily net asset determination might lead Whitehall to submit to shareholders of the fund concerned an amendment to the investment advisory contract to increase the performance fee.

In a 6-month period from October of 1968, through March of 1969, 112 sales (exclusive of dividend reinvestment) and 88 redemptions were made in Pinestock, and 66 sales (exclusive of dividend reinvestment) and 15 redemptions were made in FEA. Since sales were made only semimonthly, prices for shares of Pinestock and FEA were computed at other dates only when requests for redemptions were made. During the 6-month period, requests for redemptions were received and prices on shares computed on days other than the normal semimonthly pricing days, 26 times for Pinestock and one time for FEA.

Applicants represent that the 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.

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 29th day of July 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 Applicants, 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 July 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 Applicants 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. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

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:

(1) Whether the proposed manner of pricing complies with Rule 22c–1.

(2) 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 Applicants 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] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7779; Filed, July 1, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 12) Amdt. 6]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134) is hereby further amended by revising Items I.A.1 and I.A.2, to read as follows:

I. *Area Administrators*—A. *Financial assistance program.* 1. To approve business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share). To decline business and economic opportunity loans in any amount.

2. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and (b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster Guaranteed Loans up to $1 million, and to decline them in any amount.

Effective date: April 21, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–7763; Filed, July 1, 1969; 8:45 a.m.]

[Delegation of Authority 30, Rocky Mountain Area, Amdt. 2]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Rocky Mountain Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 17217, 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Rocky Mountain Area), 33 F.R. 10680, as amended (34 F.R. 7054), is hereby further amended by adding Items I.H.1 and I.H.2.

I. *Area Coordinators.* * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

Effective date: June 18, 1969.

GEORGE E. SAUNDERS,
Area Administrator.

[F.R. Doc. 69-7764; Filed, July 1, 1969; 8:45 a.m.]

[Delegation of Authority 30 (Rev. 2), Amdt. 2, Southeastern Area]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Southeastern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 17217, 19097, 34 F.R. 5134), Delegation of Authority No. 30 (Rev. 2), Southeastern Area, 33 F.R. 9317, dated June 25, 1968, as amended (34 F.R. 8730), is hereby further amended by:

1. Adding Item I.H. to read as follows:

I. *Area Coordinators.* * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

Effective date: June 9, 1969.

WILEY S. MESSICK,
Area Administrator,
Southeastern Area.

[F.R. Doc. 69-7765; Filed, July 1, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 51, Amdt. 2]

ERIE-LACKAWANNA RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 51, and good

It is ordered, That:

Car Distribution Direction No. 51 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

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

[F.R. Doc. 69-7796; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 52, Amdt. 2]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 52, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 52 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

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

[F.R. Doc. 69-7797; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 50, Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

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

Upon further consideration of Car Distribution Direction No. 50, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 50 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

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

[F.R. Doc. 69-7798; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 46, Amdt. 3]

SOUTHERN RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 46, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 46 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

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

[F.R. Doc. 69-7799; Filed, July 1, 1969; 8:48 a.m.]

[No. 11761]

ILLINOIS CENTRAL RAILROAD CO.

Iowa Passenger Fares and Charges

JUNE 20, 1969.

Notice is hereby given that the Illinois Central Railroad Co., through its attorneys named below, has filed a petition with the Interstate Commerce Commission, praying that the Commission modify its outstanding orders in this proceeding to allow the petitioner to increase its intrastate passenger fares within the State of Iowa by eliminating a 10 percent discount on round-trip passenger fares.

The petitioner points out that effective June 15, 1969, new interstate round-trip fares were established at strictly double the one-way fare on the respective class of service (thereby eliminating the 10 percent discount on interstate fares); that interstate and intrastate passengers are transported on the same trains under the same conditions; that, therefore, intrastate passenger fares maintained at a lower level than the prevailing level of interstate passenger fares would cause difficulties; and that since maximum intrastate passenger fares are fixed by State statute (fares in excess thereof, which would result from the sought increases herein, not being subject to the jurisdiction of the regulatory body of that State, namely, the Iowa State Commerce Commission), modifications producing fares in excess of the State statutory limits are solely within the jurisdiction of the Interstate Commerce Commission, if required because of the burdensome effect of the intrastate fares and practices on interstate commerce, pursuant to section 13 of the Interstate Commerce Act.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon either J. W. Foster or Kenneth L. Novander, 135 East 11th Place, Chicago, Ill. 60605. Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7800; Filed, July 1, 1969; 8:48 a.m.]

[No. 34896] [1]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO. ET AL.

Texas Intrastate Passenger Coach Fares

JUNE 20, 1969.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission for modification of the outstandings orders of the Commission in these proceedings.

The petitioners point out that effective June 15, 1969, the basic interstate one-way and round-trip coach fares will be increased by 5 percent; that the maximum intrastate passenger fares are fixed by statute of the Legislature of the State of Texas, fares in excess thereof not being subject to the jurisdiction of the regulatory body of that State (Railroad Commission); and that interstate and intrastate passengers are transported on the same trains, the transportation conditions of the one being no more favorable than those in respect to the other. Wherefore, the petitioners pray that this Commission modify the outstanding orders in these proceedings to the extent necessary to enable them to establish and maintain the sought 5 percent increase in passenger fares applicable on intrastate movements within the State of Texas.

The petitioners are: The Atchison, Topeka and Santa Fe Railway Co.; The Kansas City Southern Railway Co.; Missouri Pacific Railroad Co.; Southern Pacific Co.; and The Texas and Pacific Railway Co.;

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon either J. D. Feeney or James W. Nisbet, 280 Union Station Building, Chicago, Ill. 60606. Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that may appear warranted to assure due process of law.

[1] Embraces also: No. 28846, Increases in Texas Rates, Fares and Charges, and No. 33683 Texas Intrastate Passenger Coach fares.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7801; Filed, July 1, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 27, 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. 41674—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 628), for interested rail carriers. Rates on cups, dishes, plates or trays, polystyrene, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 89 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41675—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 629), for interested rail carriers. Rates on blackstrap molasses, and other various commodities, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 89 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7802; Filed, July 1, 1969; 8:48 a.m.]

[Notice 557]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 27, 1969.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 18), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247, filed June 18, 1969. Carrier's representative: E. Larry Wells, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Jackson, Miss., and Laplace, La., over Interstate Highway 55 (traversing U.S. Highway 51 pending completion of Interstate Highway 55), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Jackson, Miss., over U.S. Highway 80 via Vicksburg, Miss., and Monroe, La., to Shreveport, La.; (2) from Ferriday, La., over U.S. Highway 65 to junction Louisiana Highway 128 west of St. Joseph, La., thence over Louisiana Highway 128 to St. Joseph, thence over Louisiana Highway 607 via Osceola, Lake Bruin, Newellton, and Balmoral, La., to junction U.S. Highway 65 at or near Somerset, La., thence over U.S. Highway 65 to Tallulah, La.; and (3) from New Orleans, La., over U.S. Highway 61 to Natchez, Miss., thence over U.S. Highway 65 to Ferriday, La., and return over the same routes.

No. MC 2900 (Deviation No. 28), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed June 20, 1969. Carrier's representative: Larry D. Knox, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Columbus, Ohio, over Interstate Highway 70 (traversing U.S. Highway 40 pending completion of portions of Interstate Highway 70 not completed), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 22 to Washington Court House, Ohio, thence over U.S. Highway 62 to Columbus, Ohio, and return over the same route.

No. MC 2900 (Deviation No. 29) RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed June 20, 1969. Carrier's representative: Larry D. Knox, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 25 to Dayton, Ohio, and return over the same route.

No. MC 3560 (Deviation No. 19), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 8023, filed June 17, 1969. Carrier's representative: William Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Bloomington, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Moline, Ill., and Bloomington, Ill., over U.S. Highway 150.

No. MC 52743 (Deviation No. 4), MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Ave., Cincinnati, Ohio 45214, filed June 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Indianapolis, Ind., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Louisville, Ky., over U.S. Highway 31W to Sellersburg, Ind. (also over U.S. Highway 31E), thence over U.S. Highway 31 to Scottsburg, Ind., thence over Indiana Highway 56 to junction Indiana Highway 256, thence over Indiana Highway 256 to Madison, Ind.; and (2) from Madison, Ind., over Indiana Highway 7 to Columbus, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., and return over the same routes.

No. MC 108298 (Deviation No. 9) ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221, filed June 18, 1969. Carrier's representative: Kirkwood Yockey, Suite 501 Union Federal Building, 45 North Pennsylvania Street, Indianapolis, Ind. 46204. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From Marion, Ky., over U.S. Highway 641 to junction U.S. Highway 62, thence over combined U.S. Highways 641 and 62 to Gilbertsville, Ky., thence over access road to Purchase Parkway, thence over Purchase Parkway to Fulton, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Evansville, Ind., over U.S. Highway 41 to Henderson, Ky., thence over U.S. Highway 60 to Paducah, Ky., thence over U.S. Highway 45 to Union City, Tenn., thence over U.S. Highway 45W to Humboldt, Tenn., thence over Alternate U.S. Highway 70 to Brownsville, Tenn., thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

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

[F.R. Doc. 69-7803; Filed, July 1, 1969; 8:48 a.m.]

[Notice 1308]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 27, 1969.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 8957 (Sub-No. 9) (Republication), filed April 12, 1968, published in the FEDERAL REGISTER issue of May 2, 1968, and republished this issue. Applicant: GLENN H. BROWER, Rural Delivery No. 1, Lewistown, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. By application filed April 12, 1968, as amended, Glenn H. Brower, of Lewistown, Pa., seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of waste or scrap materials, metals, and metal articles, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, except metal alloys from Philadelphia, Pa., and metal alloys, other than loose, from Baltimore,

Md., to Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa.; waste or scrap materials, metals, and scrap or used metal articles, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas, except the transportation of articles which because of size or weight require the use of special equipment; and waste or scrap material metals, and scrap or used metal articles except automobile parts, between Lewistown, Pa., and points in Dectaur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Mississippi and Tennessee, except the transportation of articles which because of size or weight require the use of special equipment; with the restriction that the operations authorized be limited to a transportation service to be performed, under a continuing contract or contracts, with Sitkin Converting, Inc., Sitkin Industries, Inc.—Scrap Iron Division, Sitkin's Metal Trading, Inc., Sitkin Smelting and Refining, Inc., and Wasco Corp.

A report of the Commission, on further proceedings, decided June 12, 1969, and served June 23, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) *waste or scrap materials, metals, and metal articles*, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, except metal alloys from Philadelphia, Pa., and *metal alloys*, other than loose, from Baltimore, Md., to Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa.; (2) *waste or scrap materials, metals, and scrap or used metal articles*, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas, except the transportation of articles which because of size or weight require the use of special equipment; and

(3) *Waste or scrap materials, metals, and scrap or used metal articles* (except automobile parts), between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Mississippi and Tennessee, except the transportation of articles which because of size or weight require the use of special equipment; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced, and also subject to prior receipt of a request of applicant in writing for the coincidental cancellation of his permits in Nos. MC 8957 (Subs 2, 3, 7, and 8).

No. MC 108340 (Sub-No. 18) (Republication), filed October 28, 1968, published in the FEDERAL REGISTER issues of November 12, 1968, and June 18, 1969, and republished this issue. Applicant: HANEY TRUCK LINE, a corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. By application filed October 28, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of cannery food processing plant and animal food processing plant, products (except frozen fruits, frozen berries, frozen vegetables, and frozen fish), materials, supplies, and equipment, between points in Washington County, Oreg., on the one hand, and, on the other, points in Washington restricted to shipments originating at or destined to canneries, food processing plants, and animal food processing plants; and, restricted to shipments originating at or destined to points in Washington County, Oreg. By order dated April 30, 1969, applicant was granted authority to operate in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of (1) canned goods and canned pet feed and (2) materials, supplies, and equipment used in the production sale, and distribution of the commodities in (1) above, between designated points; A supplemental order of the Commission, Operating Rights Board, dated June 6, 1969, and served June 23, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of (1) *prepared foods* (except frozen prepared fruits, frozen prepared berries, frozen prepared vegetables, and frozen prepared fish);

(2) *Animal feed;* and (3) *materials, supplies, and equipment* used in the manufacture of the commodities described in (1) and (2) above and in the manufacture of frozen food products, between points in Washington County, Oreg. on the one hand, and, on the other, points in Washington, restricted to the transportation of traffic originating at or destined to points in Washington County, Oreg., on the one hand, and, on the other, able properly to perform such service and to conform to the requirements of the Interstate Commerce Act the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may, file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119914 (Sub-No. 16) (Republication), filed February 10, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, Minn. 55114. By application filed February 9, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities indicated below from Hayward, Wis., to Clam Lake, Wis., and points within 25 miles of Clam Lake, except the points specified below. An order of the Commission, Operating Rights Board, dated June 5, 1969, and served June 18, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *general commodities*, 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, from Hayward, Wis., to Draper, Loretta, and Winter, Wis., and to points in that part of Wisconsin bounded by a line beginning at the junction of U.S. Highway 2 and Wisconsin Highway 27, and extending south along Wisconsin Highway 27, to its junction with Wisconsin Highway 70, thence east along Wisconsin Highway 70 to its junction with Wisconsin Highway 13, thence north along Wisconsin Highway 13 to its junction with Wisconsin Highway 182, thence east along Wisconsin Highway 182 to its junction with U.S. Highway 51, thence north along U.S. Highway 51 to its junction with U.S. Highway 2, thence west along U.S. Highway 2 to its junction with Wisconsin Highway 27 (except Butternut, Glidden, Mellen, Drummond, Grandview, and Mason and points in their commercial zones); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice

of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129644 (republication), filed January 12, 1968, published in the FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, N.H. 03820. Applicant's representative: Catherine Immen (same address as applicant). By application filed January 12, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, and express in the same vehicle with passengers, in special party service, restricted to transportation in vehicles having a capacity of not more than 11 passengers, between Somersworth, Dover, Portsmouth, and Exeter, N.H., on the one hand, and, on the other, Logan International Airport, at East Boston, Mass. By report and order of December 6, 1968 under modified procedure, the Commission, Review Board No. 2 granted the application partially. By petition filed January 9, 1969, applicant seeks to amend the application.

A decision and order of the Commission, Division 1, acting as an Appellate Division, dated June 6, 1969, and served June 19, 1969, finds on reconsideration, that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle over irregular routes (1) of *passengers and their baggage*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations; and (2) of *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted (a) to the transportation of shipments in the same vehicle with passengers, and (b) against the transportation of packages or articles weighing more than 100 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, between Somersworth, Dover, Portsmouth, and Exeter, N.H., on the one hand, and, on the other, Logan International Airport, at East Boston, Mass.; subject to the conditions (a) that applicant shall conduct separately its for-hire carrier operations and its other business activities, (b) that it shall maintain separate accounts and records therefor, and (c) that it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this decision and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133445 (Sub-No. 2) (Republication), filed February 2, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: GERALD T. STUCK, 414 East Main Street, Middleburg, Pa. 17842. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. By application filed February 2, 1969, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of semitrailers, semitrailer chassis, semitrailer bodies, vehicle bodies (except mobile homes), and intermodal containers, having a capacity of not less than 1,000 cubic feet, new or used, between the plantsite of Trailco Manufacturing & Sales Co. at or near Hummels Wharf, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, and District of Columbia, under a continuing contract with Trailco Manufacturing & Sales Co., of Hummels Wharf, Pa. An order of the Commission, Operating Rights Board, dated June 5, 1969, and served June 19, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *semitrailers, semitrailer chassis, motor vehicle bodies, and containers*, between the plantsite of Trailco Manufacturing & Sales Co., at Hummels Wharf, Pa., on the one hand, and, on the other, points in Delaware, Indiana, Maryland, New Jersey, New York, Ohio, Virginia, and West Virginia, and the District of Columbia, under a continuing contract with Trailco Manufacturing & Sales Co., of Hummels Wharf, Pa., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 127681 (Sub-No. 1), and No. MC 127681 (Sub-No. 2) (Notice of filing of Petition for Modification of Permits), filed December 13, 1968. Petitioner: JOE JONES, JR., doing business as JOE JONES TRUCKING CO., Atlanta, Ga. On August 17, 1967, petitioner was issued permit No. MC 127681 (Sub-No. 1), authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of dry chemicals, packaged in paper bags and drums, between the plantsites of Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn., and from the plantsites of Mayo Chemical Co. in Smyrna and Dalton, Ga., and Chattanooga, Tenn., to customers of Mayo Chemical Co., located at points in the United States (excluding points in Alaska and Hawaii); (2) of defective, rejected, or repossessed chemical products manufactured by Mayo Chemical Co., from customers of Mayo Chemical Co., located at points in the United States (excluding points in Alaska and Hawaii), to the plantsites of the Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn.; and (3) of dry chemicals, manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in Ohio, Michigan, Pennsylvania, Massachusetts, Connecticut, New Jersey, New York, Delaware, Maryland, West Virginia, and Texas, to the plantsites of Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn., and to customers of Mayo Chemical Co., located at points in the United States (excluding Alaska and Hawaii), subject to the restriction that such operations may only be performed under a continuing contract or contracts with the Mayo Chemical Co.

Review Board No. 2, on June 11, 1968, made and filed its report and order in No. MC 127681 (Sub-No. 2), granting petitioner authority to extend his contract carrier operations by motor vehicle and transport, over irregular routes, dry chemicals, manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in Indiana, Illinois, Missouri, and Louisiana, to the plantsites of Mayo Chemical Co., located in Dalton and Smyrna, Ga., and Chattanooga, Tenn., and to customers of Mayo Chemical Co., located at points in the United States (excluding Alaska and Hawaii), under a continuing contract with Mayo Chemical Co., but that no permit authorizing such operations has yet been issued in such proceeding. By petition filed December

13, 1968, petitioner, seeks modification of his permit No. MC 127681 (Sub-No. 1), and modification of the findings of the report of Review Board No. 2 in No. MC 127681 (Sub-No. 2), so as (1) to delete therefrom all references to the Mayo Chemical Co., and the points of Smyrna and Dalton, Ga., and Chattanooga, Tenn., thereby permitting the rendition of service at all the plantsites of shipper located in Georgia, and (2) to substitute Oxford Chemicals, of Chamblee, Ga., a division of Consolidated Foods, in lieu of the Mayo Chemical Co., as the shipper in whose behalf service may be performed. An order of the Commission, dated May 15, 1969, served May 29, 1969, provides, that notice of the petition, filed December 13, 1968, for modification be published in the FEDERAL REGISTER, and that said petition be designated for oral hearing at a time and place to be hereafter fixed. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 765 (Sub-No. 3), filed June 16, 1969. Applicant: MILLS TRANSFER COMPANY, a corporation, 51 Sleeper Street, Boston, Mass. 02210. 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: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: Applicant states it intends to tack with its present irregular route authority at Boston, Mass., and with its regular route authority at Boston and at intermediate points in Massachusetts on said routes. This application is directly related to MC-F-10517, published FEDERAL REGISTER issue of June 25, 1969. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 106401 (Sub-No. 29), filed June 4, 1969. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C. 28201. Applicant's representatives: Thomas G. Sloan (same address as applicant), and Donald E. Cross, Suite 917, Munsey Building, 1329 E Street NW., Washington, D.C. 20004. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts. NOTE: This application is directly related to MC-F-10499, published in the FEDERAL REGISTER June 6, 1969. Applicant states it would tack to its regular route points generally between Boston and Springfield. If a hearing is deemed necessary, applicant requests it be held at Washintgon, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-10030 (Petition) (RYDER TRUCK LINES, INC.—Control—MERCHANTS FREIGHT SYSTEM, INC.), published in the February 2, 1968, issue of the FEDERAL REGISTER, on page 2680. By petition filed June 18, 1969, petitioners seek to substitute *RYDER TRUCK LINES, INC., a Florida corporation*, in lieu of RYDER TRUCK LINES, INC., a Tennessee corporation.

No. MC-F-10519. Authority sought to purchase by MORVEN FREIGHT LINES, INCORPORATED, Highway No. 74, Post Office Box 718, Wadesboro, N.C. 28170, of the operating rights of S. D. SESSIONS, doing business as SESSIONS TRUCKING COMPANY, Highway 109 North, Post Office Box 537, Wadesboro, N.C. 28170, and for acquisition by CHARLES B. RATLIFF, Highway No. 74 East, Post Office Box 718, Wadesboro, N.C. 28170, of control of such rights through the purchase. Applicants' attorney and representative: H. P. Taylor, Jr., Anson Professional Building, Post Office Box 593, Wadesboro, N.C. 28170 and Charles B. Ratliff, Post Office Box 718, Wadesboro, N.C. 28170. Operating rights sought to be transferred: *Wood chips*, as a *common carrier*, over irregular routes from points in Montgomery County, N.C., to points in Florence County, S.C., from points in Anson County, N.C., to points in Florence and Darlington Counties, S.C.; and *limestone*, in bulk, from points in Cherokee County, S.C., to points in Anson, Stanly, Montgomery, Moore, Richmond, Scotland, Robeson, Hoke, and Union Counties, N.C. Vendee is authorized to operate under a certificate of registration within the State of North Carolina. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-120307 Sub 4 is a matter directly related.

No. MC-F-10520. Authority sought for control by TOSE, INC., 64 West Fourth Street, Bridgeport, Pa. 19405, of A B C EXPRESS COMPANY, Fifth Street and Columbia Avenue, Philadelphia, Pa. 19122, and for acquisition by LEONARD H. TOSE, also of Bridgeport, Pa. and DESMOND J. McTIGHE, 11 East Airy Street, Norristown, Pa. 19401, of control of A B C EXPRESS COMPANY, through the acquisition by TOSE, INC. Applicants Attorneys: Desmond J. McTighe, 11 East Airy Street, Norristown, Pa. 19401 and Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Operating rights sought to be controlled: *New furniture and new home furnishings*, as a *contract carrier*, over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, with restriction; *such commodities*, as are dealt in by department stores, between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in New Jersey and Wilmington, Del., with restriction; between Philadelphia, Pa., and Moorestown, N.J., with restriction; between Philadelphia, Pa., on the one hand, and, on the other, Yonkers, N.Y. (not including points in the commercial zone thereof other than Yonkers), and the depot of the United Parcel Service, Inc. (Bloomingdale warehouse) in Long Island City, N.Y., with restriction; between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in Pennsylvania, with restriction; between Rutherford, N.J., on the one hand, and, on the other, certain specified points in Pennsylvania, New Jersey, and New Castle County, Del., between St. Davids, Pa., and certain specified points in Cecil County, Md., New Castle County, Del., and certain specified points in New Jersey, with restriction; and *such commodities*, as are dealt in by department stores (except new furniture and new home furnishings), between Bloomfield and Newark, N.J. on the one hand, and, on the other, Philadelphia, Pa., with restriction. TOSE, INC. is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, New Jersey, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10521. Authority sought for control by ALBERT J. EYRAUD, 2222 East 38th Street, Vernon, Calif. 90058, of (1) ASBURY SYSTEM, 2222 East 38th Street, Vernon, Calif. 90058, and (2) ASBURY TRANSPORTATION CO., 2222 East 38th Street, Vernon, Calif. 90058. Applicants' attorneys: Wade and Wade, 453 South Spring Street, Room 729, Los Angeles, Calif. 90013. Operating rights sought to be controlled: (1) Under MC-133315 Sub-No. 1TA, temporary authority to operate as a contract carrier, petroleum coke, in bulk, from the account of Standard Oil Co. of California, over irregular routes, from El Segundo, Calif., to Long Beach, Calif., on traffic having a subsequent movement by water; and (2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in the Los Angeles, Calif., and Los Angeles Harbor commercial zone, as defined by the Commission, between points in the Los Angeles, Calif., and Los Angeles Harbor commercial zones as defined by the Commission, on the one hand, and, on the other, points in Kern and Kings Counties, Calif., points in Los Angeles County, Calif. (except those in the Los Angeles, Calif., and Los Angeles Harbor commercial zones), and points in Fresno County, Calif., located within 20 miles of Coalinga, Calif., between points in Kern and Kings Counties, Calif;

Liquid petroleum products, from The Dalles, Oreg., to certain specified points in Washington, from certain specified points in Oregon, to points in Washington, those in Malheur County, Oreg., and those in Idaho, except those in Lemhi, Blaine, Minidoka, and Cassia Counties, Idaho, and east thereof, from The Dalles and Umatilla, Oreg., and Attalia, Wash., to points in Oregon and Washington east of the summit of the Cascade Mountains, and those in Idaho as specified above, from Eureka, Calif., to points in Curry County, Oreg.; *liquid petroleum products*, in bulk, from certain specified points in Oregon, and Attalia and Vancouver, Wash., to certain specified points in Idaho; *petroleum and petroleum products*, in bulk, in tank trucks, from Pasco, Wash., to points in Idaho and that part of Oregon and Washington east of the summit of the Cascade Mountains, from Mukilteo, Wash., to U.S. Air Force installations in Idaho and Oregon; *petroleum products*, in bulk, in tank vehicles, between Eureka, Calif., on the one hand, and, on the other, certain specified points in Oregon, and Yreka, Calif., from Crescent City, Calif., to certain specified points in Oregon, and Siskiyou and Shasta Counties, Calif., serving points in Siskiyou and Shasta Counties over highways through Oregon, from Eureka, Calif., to Cave Junction, Oreg., from Eureka, Calif., to certain specified points in Oregon, and Siskiyou and Shasta Counties, Calif., except Cave Junction, Grants Pass, Medford, Klamath Falls, and Merrill, Oreg., and Yreka, Calif., from Baker and Blakely, Oreg., to points within 10 miles of each, and points within 5 miles of Pasco, Wash., to certain specified points in Idaho, points in Oregon in and east of Hood River, Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., and points in Washington in and east of Skamania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, Wash., from Crescent City, Calif., to points in Coos and Lake Counties, Oreg., from Spokane, Wash., and points within 10 miles thereof, to points in Idaho on and north of the southern boundary of Idaho County;

Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum products and byproducts, and *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, between certain specified points in California; *asphalt, asphalt products, and heavy fuel oils*, in bulk, in tank vehicles, from Spokane, Wash., to points in Washington in and east of Walla Walla, Franklin, Adams, Lincoln, and Ferry Counties, Wash.; *petroleum and petroleum products*, in bulk, in tank vehicles, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Meridian, Calif., to points within 5 miles of Meridian, to certain specified points in Oregon; *aqua ammonia*, in bulk, in tank vehicles, from Malin, Oreg., to certain specified points in California; *petroleum products*, as described by the Commission in appendix XIII of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Coos County, Oreg., to points in Del Monte and Humboldt Counties, Calif.; *anhydrous hydrazine*, in bulk, in tank vehicles, from Lake Charles, La., and Saltville, Va., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo.; *unsymmetrical dimethylhydrazine*, in bulk, in tank vehicles, from Baltimore, Md., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo.;

Unsymmetrical dimethylhydrazine and anhydrous hydrazine mixtures, in bulk, in tank vehicles, from the site of the Rocky Mountain Arsenal at Denver, Colo., to U.S. Government missile sites and supporting missile installations and to missile testing and research facilities in Arizona, Arkansas, California, Florida, Kansas, New York, and Tennessee; *petroleum products* (except petrochemicals), as defined by the Commission in appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chico, Calif., to certain specified points in Oregon; and unsymmetrical dimethyl hydraxine mix, in bulk, in tank vehicles, moving on Government bills of lading, between Rocky Mountain Arsenal, Colo., on the one hand, and, on the other, Lewis Research Center, at or near Cleveland, Ohio, and White Sands Missile Range, N. Mex. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10086 (CAPITAL TRUCK LINE, INC.—Purchase (Portion)—ASBURY TRANSPORTATION CO.), and MC-F-10443 (B. F. WALKER, INC.—Purchase (Portion)—ASBURY TRANSPORTATION CO.), published in the April 10, 1968, and April 16, 1969, issues of the FEDERAL REGISTER, on pages 5603 and 6560, respectively.

No. MC-F-10522. Authority sought for control by OLD DOMINION FREIGHT LINE, Post Office Box 1189, High Point, N.C. 27261, of BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. 27893, and for acquisition by L. C. CROWDER, E. E. CONGDON, and J. R. CONGDON, all also of High Point, N.C., of control of BARNES TRUCK LINE, INC., through the acquisition by OLD DOMINION FREIGHT LINE. Applicant's attorney: Francis W. McInery, 100 16th Street NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from Richmond and Norfolk, Va., and Wilmington, N.C., to Smithfield, N.C., from Norfolk and Richmond, Va., and Baltimore, Md., to points in Wayne County, N.C., and Faison and Burgaw, N.C.; between certain specified points in North Carolina, on the one hand, and, on the other, Baltimore, Md., points in Virginia on and east of U.S. Highway 15 (except those in Accomack and Northampton Counties, Va.), and certain specified points in Pennsylvania, with restriction; *general commodities*, excepting among others, commodities in bulk, but not excepting household goods, between Wilson, N.C., and points within 50 miles of Wilson, on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia; *farm and forest products*, from Smithfield, N.C., and points in North Carolina within 100 miles of Smithfield to Norfolk, Va., Baltimore, Md., points in North Carolina, and points on U.S. Highway 301 between Smithfield, N.C., and Petersburg, Va., and on U.S. Highway 1 between Raleigh, N.C., and Baltimore, Md.;

Farm products, from points in Georgia, North Carolina, South Carolina, and Virginia, to Washington, D.C., to Baltimore, Md., Philadelphia, Pa., Newark and Jersey City, N.J., Wilmington, Del., New York, N.Y., Hartford and New Haven, Conn., Providence, R.I., Boston, Mass., and Bluefield and Charleston, W. Va.; *farm wagons*, from Wilson, N.C., to points in Georgia and Florida; *agricultural commodities*, from points in Nash County, N.C., and points within 100 miles of Nash County to Washington, D.C., Baltimore, Md., and Philadelphia, Pa.; *grain products, sugar, salt, fertilizer, and fertilizer materials*, from Richmond and Norfolk, Va., and Wilmington, N.C., Smithfield, and points in North Carolina within 100 miles of Smithfield; *cotton*, from points in South Carolina to certain specified points in North Carolina and Richmond and Norfolk, Va., from Smithfield, N.C., and points in North Carolina within 100 miles of Smithfield, to Danville, Va.; *grain products*, from Richmond and Norfolk, Va., and Wilmington, N.C., to points in South Carolina; *household goods* as defined by the Commission, *office furniture and equipment, and store fixtures*, between Smithfield, N.C., and points within 25 miles thereof, on the one hand, and, on the other, points in South Carolina and Virginia; *groceries and feeds*, from Norfolk and Jarratt, Va., to points in Nash County, N.C.; *lumber*, from points in that part of North Carolina on and east of U.S. Highway 29, to points in Virginia, Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia; *feed, seed, and fertilizer*, between points in Lenoir and Pitt Counties, N.C., on the one hand, and, on the other, Norfolk, Va.;

Unprocessed agricultural products, other than tobacco, between certain specified points in North Carolina, on the one hand, and, on the other, points and places in South Carolina, Georgia, Florida, Virginia, Maryland, Pennsylvania, and the District of Columbia; *tobacco*, between points in North Carolina, South Carolina and Virginia; *tobacco, tobacco sheets, and baskets, containers and articles*, used in the shipping and handling of tobacco, between points in North Carolina and Virginia, on the one hand, and, on the other, certain

specified points in Florida and points in Georgia; *hay balers*, from Tarboro, N.C., to points in Arkansas, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Oklahoma, Texas, and South Dakota; *materials and supplies* used in the manufacture of hay balers, from the above-specified destination points to Tarboro, N.C.; *agricultural machinery, agricultural implements and agricultural machinery parts*, from Tarboro, N.C., to points in Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Indiana, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Delaware, New Jersey, Ohio, and West Virginia; *materials and supplies*, used in the manufacture of agricultural machinery, agricultural implements, and agricultural machinery parts, from the above-specified destination points, except points in Ohio, to Tarboro, N.C.; *lumber*, except plywood and veneer, from points in that part of North Carolina, on and east of U.S. Highway 29 to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Illinois, Indiana, West Virginia, Kentucky, Tennessee, and Florida; *hardboard sheets and boards*, from Catawba, S.C., and points within 5 miles thereof, to Dover, Del., and points in Connecticut, New York (except points in the New York, N.Y., commercial zone, as defined by the Commission), and New Jersey (except points in the Trenton, N.J., Philadelphia, Pa., and New York, N.Y., commercial zones, as defined by the Commission); *Flakeboard*, from Farmville, N.C., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Illinois, Indiana, West Virginia, Kentucky, Florida, Iowa, Wisconsin, and the District of Columbia, with restriction; *articles* used in the farming or forestry industries, from Tarboro, N.C., and Davenport, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, from Davenport, Iowa, to points in North Carolina, South Carolina, and Virginia, from Tarboro, N.C., to points in Iowa; *materials and supplies* used in the manufacture of articles used in farming or forestry industries, from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, to Tarboro, N.C., with restrictions. OLD DOMINION FREIGHT LINE is authorized to operate as a *common carrier* in Virginia, North Carolina, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10523. Authority sought for control by GRAVES TRUCK LINE INC., 739 North 10th Street, Salina, Kans. 67401, of GRAVES VAN LINE, INC., 411 West Lincoln, Salina, Kans. 67401, and for acquisition by W. H. GRAVES, JOHN GRAVES, both of 739 North 10th Street, Salina, Kans., DWIGHT GRAVES, 3402 West Harry, Wichita, Kans., and LOWELL P. GRAVES, 92 Shawnee Avenue, Kansas City, Kans., of control of GRAVES VAN LINE, INC., through the acquisition by GRAVES TRUCK LINE, INC. Applicants' attorney: John E. Jandera, 641 Harrison, Topeka, Kans. Operating rights sought to be controlled: Under MC–126713, Sub-No. 1 TA, temporary authority to operate as a common carrier, household goods, as defined by the Commission, over irregular routes, between points in Kansas, on traffic having a prior or subsequent out-of-State movement. GRAVES TRUCK LINE, INC., is authorized to operate as a *common carrier* in Kansas, Missouri, Nebraska, Oklahoma, Colorado, Iowa, Texas, Wyoming Arkansas, Louisiana, New Mexico, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

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

[F.R. Doc. 69–7804; Filed, July 1, 1969; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 27, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC–4355, Sub-No. 4, filed June 11, 1969. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, Tenn. 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities* (except livestock, used household goods, commodities in bulk, and those requiring special equipment): (1) Between Manchester, Tenn., and Murfreesboro, Tenn., from Manchester over Tennessee Highway No. 2, U.S. Highway No. 41, to Murfreesboro and return over the same route serving all intermediate points; (2) between Shelbyville, Tenn., and Murfreesboro, Tenn., from Shelbyville over Tennessee Highway 10, U.S. Highway 231 to Murfreesboro and return over the same route serving all intermediate points. Routes Nos. 1 and 2 to be tacked to applicant's existing authority so as to provide through service between all points on Routes 1 and 2 and all of applicant's present routes being described in Certificates of Registration MC–97974 (Sub-No. 2), and MC–97974 (Sub-No. 6), and in certificate of public convenience and necessity MC–97974 (Sub-No. 5). Both intrastate and interstate authority sought.

HEARING: Monday, August 11, 1969, 9:30 a.m., at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. L–13247 (Case No. 3), filed April 24, 1969. Applicant: EXPRESS DELIVERY SYSTEM, INC., 716 East Haley Street, Midland, Mich. 48640. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Certificate of public convenience and necessity sought to operate a freight service as follows: *Packaged express*, between Midland, Bay City, and Saginaw, and points within 5 miles of each of said cities, on the one hand, and, on the other, points within 50 miles of Midland subject to the following restrictions: (1) Restricted to same day deliveries; (2) restricted to service in straight trucks only; (3) no shipment shall exceed 300 pounds; and (4) no more than 500 pounds may be transported from any one consignor to any one consignee on any one day. Both intrastate and interstate authority sought.

HEARING: Wednesday, July 2, 1969, at 9:30, at Seven-Story Office Building, 525 West Ottawa, Lansing, Mich. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. A–51087, filed May 16, 1969. Applicant: RICHARD J. BERGKAMP, doing business as RICK'S TRUCKING, 1151 Bordwell Street, Post Office Box 454, Colton, Calif. 92324. Applicant's representative: Hutton & Edwards, 655 North Eighth Street, Post

Office Box 44, Colton, Calif. 92324. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities* (except, (1) used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks, and buses; viz, new and used, finished or unfinished passenger automobiles, including jeeps, ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, combined, buses and bus chassis; (3) livestock; viz; bucks, bulls, calves, cattle, cows, dairy cattle, ewe, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (8) logs; (9) articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof;

(10) commodities likely to contaminate or damage other freight; (11) explosives as described in and subject to the regulations of Agent H. A. Campbells' Tariff No. 10; This applicant proposes to transport these commodities as excepted, to, from, and between: (a) All points and places in the Los Angeles Basin Territory as described in Item No. 270 of Minimum Rate Tariff No. 2; California Public Utilities Commission; (b) The Los Angeles Basin Territory and Palm Springs, Indio, Thermal, and points and places along Interstate Highway 10, U.S. Highway 60, and State Highway 111, and all points within 5 miles laterally of said highways; (c) The Los Angeles Basin Territory and Escondido, San Diego, and National City, and points and places along U.S. Highway 395, Interstate Highway 5, and Interstate Highway 8 and all points within 5 miles laterally of said highways; (d) The Los Angeles Basin Territory and Oceanside, San Diego, and points and places along U.S. Highway 101, Interstate Highway 5, and all points within 5 miles of said highways. This applicant proposes to use all available public highways between points proposed to be served as hereinabove mentioned, and within the cities hereinabove proposed to be served, and applicant proposes to use such streets and highways as may be necessary to serve consignors and consignees located within said cities. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 69-7805; Filed, July 1, 1969; 8:49 a.m.]

[Notice 859]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 27, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 45 TA), filed June 17, 1969. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Candy and confectionery, and articles*, used in the manufacture, sale, and distribution thereof, serving the plantsite of Russell Stover Candies, Inc., at Clarksville, Va., as an off-route point in connection with Applicant's regular-route operations, between Baltimore, Md., and Norfolk, Va., for 180 days. NOTE: Applicant intends to tack MC 1824 and Subs. Supporting shipper: Russell Stover Candies, Inc., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 45059 (Sub-No. 10 TA), filed June 18, 1969. Applicant: McNAUGHTON BROS., INC., 625 South 13th Street Extension, Indiana, Pa. 15701. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Indiana, Westmoreland, Armstrong, Blair, Cambria, Allegheny, Clearfield, and Jefferson Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133; CTI-Container Transport, International, Inc., 17 Battery Place, New York, N.Y. 10004; Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502; Home-Pack Transport, Inc., 57–58 49th Street, Maspeth, N.Y. 11378. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., 15222.

No. MC 59640 (Sub-No. 17 TA), filed June 17, 1969. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, such as are dealt in and sold by wholesale, retail, and chain grocery and food business houses for the account of Supermarkets General Corp., from New Milford, Conn., to the warehouse facilities of Supermarkets General Corp. at Woodbridge Township, N.J., for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 118159 (Sub-No. 69 TA), filed June 20, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals, petroleum products and waxes*, in packages and containers, from Enid, Okla., to points in Delaware, Maryland, Ohio, New York, and Pennsylvania, for 180 days. Supporting shipper: Champlin Petroleum Co., Post Office Box 552, Enid, Okla. 73701. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118159 (Sub-No. 70 TA), filed June 20, 1969. Applicant: EVERETT

LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from plantsite and warehouse facilities of Kraft Foods Division of Kraftco Corp. at Dallas, Tex., to points in Louisiana and Mississippi, for 180 days. Supporting shipper: Kraft Foods, Division of Kraftco Corp., Forest Lane, Garland, Tex. 75040. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 127631 (Sub-No. 1 TA), filed June 20, 1969. Applicant: HAWAIIAN VAN & STORAGE CO., LTD., 601 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: Drivers, Helpers, Warehousemen and Construction Division, 451 Atkinson Drive, Honolulu, Hawaii 96814 and Union Oil Co. of California, 735 Bishop Street, Honolulu, Hawaii 96813. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127632 (Sub-No. 1 TA), filed June 20, 1969. Applicant: TRANS-PACIFIC VAN COMPANY, LTD., 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: The Ilikai Hotel, 1777 Ala Moana Boulevard, Honolulu, Hawaii, 96815 and International Longshoremen's Warehousemen's Union, 451 Atkinson Drive, Honolulu, Hawaii 96814. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127657 (Sub-No. 1 TA), filed June 20, 1969. Applicant: HAWAIIAN PACKING & CRATING CO., LTD., 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216 (c) of the Act. Supporting shippers: BG Marine Services, a division of Genge Industries, Inc., Post Office Box 227, Port Hueneme, Calif. 93041 and Credit Bureau of Hawaii, Post Office Box 3738, Honolulu, Hawaii 96811. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129821 (Sub-No. 1 TA), filed June 18, 1969. Applicant: SHERMAN TRANSFER & STORAGE CO. (a corporation), 2701 Frisco Road, Sherman, Tex. Applicant's representative: James E. Hightower, Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Interstate Commerce Commission, in containers, between points in Atoka, Bryan, Carter, Choctaw, Coal, Garvin, Johnson, Love, Marshall, Murray, Pontotoc, and Pushmataha Counties, Okla., and Cooke, Grayson, Fannin, Lamar, Delta, Hopkins, Hunt, and Collin Counties, Tex., restricted to shipments having a prior or subsequent movement beyond said points, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Karevan World Movers, Post Office Box 9240, Seattle, Wash. 98109; Burnham World Forwarders, Inc., 1632 Second Ave., Columbus, Ga.; Cartwright Van Lines, Inc., 4250 24th Avenue West, Seattle, Wash. 98199; Headquarters, Department of Army, Office of Judge Advocate General, Washington, D.C. 20310. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 133633 (Sub-No. 1 TA), filed June 23, 1969. Applicant: HIGHWAY EXPRESS, INC., Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods, classes A and B explosives, and commodities which because of size or weight require special equipment), between Waynesboro, Miss. (and points within 5 miles of its commercial zone), on the one hand, and, on the other, Jackson and Meridian, Miss.; Mobile, Ala., and New Orleans, La., and points within their respective commercial zones, for 180 days. NOTE: Applicant does not intend to tack, but states to interline with all carriers at Jackson and Meridian, Miss., Mobile, Ala., and New Orleans, La. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133790 (Sub-No. 1 TA), filed June 12, 1969. Applicant: C AND C SHRIMPERIES, INC., 2364 Toussaint Avenue, Savannah, Ga. 31404. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods, from points in Glynn and Chatham Counties, Ga., to points in the United States (except Alaska and Hawaii), for 120 days. Supporting shippers: King Shrimp Co., Inc., Brunswick, Ga.; Williams Seafood, Inc., 101 Riverview Drive, Savannah, Ga. 31404; Sea Pak, Division of W. R. Grace & Co., Box 667, St. Simons Island, Ga. 31522. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 400 West Bay Street, Box 35008, Jacksonville, Fla. 32202.

No. MC 133827 TA, filed June 23, 1969. Applicant: GLEN SVIHLA, doing business as GLEN SVIHLA TRUCKING, 602 12th Street NW., Mandan, N. Dak. 58554. Applicant's representative: Gerald G. Glaser, Post Office Box 773, Bismarck, N. Dak. 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed meat scraps*, from Williston, N. Dak., to Delgrade, Minn.; (2) *green hides*, from Williston, N. Dak., to Milwaukee, Wis.; (3) *fresh meats*, from Williston, N. Dak., to points in the continental United States; and *empty cartons and barrels*, on return, for 180 days. Supporting shipper: Williston Packing Co., Inc., Post Office Box 1328, Williston, N. Dak. 58801. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–7806; Filed, July 1, 1969; 8:49 a.m.]

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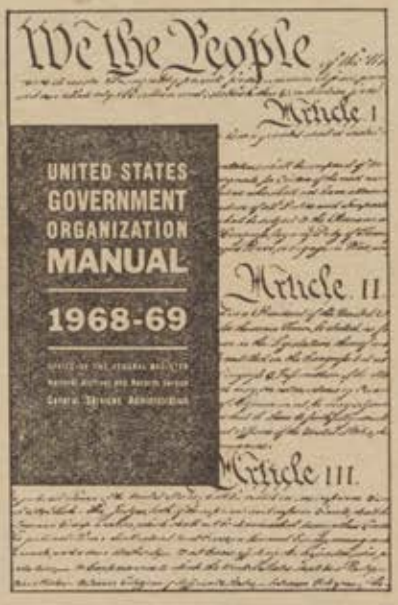

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