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Agencies in this issue—

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FEDERAL REGISTER

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PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to show that the Schedule A exception for eight positions of psychodrama interns and residents will not expire on June 30, 1969, as scheduled, but will be extended without time limitation. The section is further amended to reflect the current name of St. Elizabeths Hospital. Effective July 1, 1969, the headnote of paragraph (a), and subparagraph (5), of § 213.3116 are amended as set out below.

§ 213.3116 **Department of Health, Education, and Welfare.**

(a) *National Center for Mental Health Services, Training, and Research.* * * *

(5) Eight positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

* * * * *

(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. 69-8157; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Assistant to the Secretary for Special Programs, and three positions of Writer in the Office of the Secretary are excepted under Schedule C. The section is also amended to show that the current title of a position listed as Publications Writer is Writer. Effective on publication in the FEDERAL REGISTER, subparagraphs (3) and (23) of paragraph (a) of § 213.3316 are amended as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

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

(3) Four Writers.

* * * * *

(23) Five Assistants to the Secretary for Special Programs.

* * * * *

(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. 69-8160; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the following positions under the Special Assistant to the Secretary for Civil Rights are excepted under Schedule C: one Assistant to the Special Assistant, five Special Assistants for Special Groups, one Special Assistant for Public Affairs, one Special Assistant for Congressional Liaison, and two Special Assistants to the Deputy Special Assistant. The section is further amended to place positions in the Office of the Special Assistant to the Secretary for Civil Rights in a separate paragraph and to reflect the current titles of two Schedule C positions of Confidential Assistant to the Special Assistant. Effective on publication in the FEDERAL REGISTER, subparagraphs (30) and (31) of paragraph (a) are revoked, and paragraph (q) is added to § 213.3316 as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

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

(30) [Revoked]

(31) [Revoked]

* * * * *

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* (1) Two Special Assistants to the Special Assistant.

(2) One Confidential Secretary to the Special Assistant.

(3) One Assistant to the Special Assistant.

(4) Five Special Assistants for Special Groups.

(5) One Special Assistant for Public Affairs.

(6) One Special Assistant for Congressional Liaison.

(7) Two Special Assistants to the Deputy Special Assistant.

(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. 69-8156; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that three positions of Private Secretary to the Secretary of Health, Education, and Welfare are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (34) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

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

(34) Three Private Secretaries to the Secretary.

* * * * *

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

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

[F.R. Doc. 69-8159; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Deputy Under Secretary and one position of Assistant to the Director of Public Information are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (35) and (36) are added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

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

(35) One Confidential Assistant to the Deputy Under Secretary.

(36) One Assistant to the Director of Public Information.

* * * * *

(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. 69-8158; Filed, July 9, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 18]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Eminent Domain Acquisition

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(i)). This amendment consolidates prior amendments of § 719.11 which have been previously published (29 F.R. 13370, 30 F.R. 6511, 31 F.R. 4580, 14253, 32 F.R. 14599, 33 F.R. 9145, 11811), rearranges the provisions for greater clarity and includes the following changes in procedure:

1. Paragraph (e) expresses an affirmative requirement that the owner of the farm involved in an eminent domain acquisition notify the county committee in writing of the acquisition and date of his displacement from the farm.

2. Paragraph (g)(2) authorizes the owner to file written notice with the county committee of intention to waive his right to have allotments and bases pooled and to request that such allotments and bases be retained on the acquired farm. Such retention of allotments and bases could be approved only upon a determination by the county committee that the owner fully understands his rights and has not been coerced to waive these rights.

3. Paragraph (g)(5) authorizes the county committee to simplify the procedure where in-county transfers at the time of displacement are requested.

4. Paragraph (l) is expanded to deal with successors in interest more specifically.

Since farms are now being acquired by agencies under eminent domain authority, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 719.11 of the regulations (29 F.R. 13370, 30 F.R. 6511, 31 F.R. 4580, 14253, 32 F.R. 14599, 33 F.R. 9145, 11811) is amended to read as follows:

§ 719.11 Eminent domain acquisitions.

(a) *Commodities covered.* This section provides a uniform method for handling farm allotments for extra long staple cotton, upland cotton, peanuts, rice in farm States, tobacco and wheat; and feed grain bases for corn, grain sorghums and barley; on land involved in an eminent domain acquisition. If eligible for pooling under this section, such allotments and bases are pooled for the benefit of the owner who is displaced from his farm by an eminent domain acquisition. Such pooling is for a 3-year period from the date of displacement and during such period the owner so displaced may request transfers of allotments and bases from the pool to other farms in the United States owned by him. This section does not apply in the case of extra long staple cotton, upland cotton, peanuts and tobacco to any farm from which the owner was displaced prior to 1950; in the case of wheat to any farm from which the owner was displaced prior to 1954; in the case of rice to any farm from which the owner was displaced prior to 1955; and in the case of feed grains to any farm from which the owner was displaced prior to 1961.

(b) *Eminent domain acquisition.* An eminent domain acquisition is a taking of title to land, or the taking of an impoundment easement to impound water on the land, or the taking of a flowage easement to intermittently flood the land, consummated with respect to land which is, or could be, so taken under the power of eminent domain by a Federal, State, or other agency. Such acquisition may be by court proceedings to condemn the land or by negotiation between the agency and the owner. Any acquisition by an agency with respect to land not subject to the agency's power of eminent domain shall not be an eminent domain acquisition for purposes of this section. All land acquired by an agency for the intended project, including surrounding land not needed for the project but acquired as a package acquisition, shall be considered to be in the eminent domain acquisition if the agency expended funds for the package acquisition on the basis of its power of eminent domain. For example, a governmental agency acquires 150 acres of land from an owner as a package acquisition and requires 130 acres for the public purpose but supports the expenditure of funds for the unneeded 20 acres on the grounds that no additional cost resulted, or that avoidance of condemnation proceedings warranted the package acquisition.

(c) *Owner.* For purposes of this section, owner means the person, or persons in a joint ownership, having title to the land for a period of at least twelve months immediately prior to the date of transfer of title or grant of impoundment or flowage easement under the eminent domain acquisition. If such person or persons have owned the land for less than such 12-month period, they may, nevertheless, be considered the owner if the State committee determines that such person or persons acquired the land for the purpose of carrying out farming operations and not for the purpose of obtaining status as an owner under this section. However, no person shall be considered the owner if he acquired the land subject to an eminent domain acquisition under an outstanding contract to an agency or an option by an agency or subject to pending condemnation proceedings. In any case where the current title holder cannot be considered the owner for purposes of this section, the State committee shall determine the person or persons who previously had title to the land and who qualify for status as the owner under the criteria in this paragraph.

(d) *Displacement.* The owner shall be considered displaced from a farm covered by an eminent domain acquisition on the date (1) the right to produce an allotment or feed grain crop is relinquished voluntarily even though the owner is not required to give up possession of the land; or (2) in the case of a flowage easement the owner determines it is no longer practical to conduct farming operations on the land; or (3) the owner loses possession of the land as owner or as lessee under a lease from the agency or its designee if the lease provided unbroken possession to the owner from the date of acquisition to the end of the lease or extensions of the lease. In cases where the agency and the owner have executed a binding contract for acquisition of the farm, the owner may be considered displaced prior to completion of the acquisition if he wishes to plant the commodity on other land he owns or buys.

(e) *Notice of displacement.* The owner shall notify the county committee in writing of the eminent domain acquisition and furnish the date of displacement as soon as possible so that the allotments and bases may be pooled in accordance with this section. Failure to so notify the county committee shall not operate to extend the 3-year period of the pool.

(f) *Pool.* Whenever the county committee determines, by notice from the owner or otherwise, that an owner has been displaced, the county committee shall establish in a pool for a 3-year period, beginning on the date of displacement, the allotments and bases eligible for pooling under this section. Pooled allotments and bases shall be considered fully planted and for each year in the pool, shall be established in accordance with applicable commodity regulations.

(g) *Cases where pooling not permitted or required*—(1) *Agency has authority to continue crop production.* Pooling shall not be permitted if the agency files written notice with the county committee within 30 days after the date of acquisition designating the crops it intends to continue producing and the county committee determines that the agency has the authority under its power of eminent domain to make the acquisition solely for the purpose of continued crop production. An agency intention to continue crop production after the date of displacement as an interim revenue producing operation cannot form the basis for retention of allotments and bases on the acquired farm unless it has power of eminent domain to acquire land solely for continued crop production. In general, agencies with such power are limited to experiment stations and educational institutions with vocational agricultural training programs.

(2) *Owner waives right to have pooling.* If the owner files written notice with the county committee of intention to waive his right to have all the allotments and bases, or any part thereof, pooled and the county committee determines that the owner fully understands his right to have allotments and bases pooled and has not been coerced to waive his right, the allotments and bases shall be retained on the agency acquired land.

(3) *Less than 15 percent of cropland acquired.* If an agency acquires part of a farm and the cropland on the land so acquired represents less than 15 percent of the total cropland on the farm, the allotments and bases shall be retained on the portion of the farm not acquired by the agency and shall not be pooled.

(4) *15 percent or more of cropland acquired.* If an agency acquires part of a farm and the cropland on the land so acquired represents 15 percent or more of the total cropland on the farm, the allotments and bases attributable to the acquired land shall be retained on the portion of the farm not acquired by the agency if the owner files a written request with the county committee for such retention. However, only such amounts of allotments and bases may be retained as can be supported on the available cropland and which will not exceed the allotments and bases established on similar farms in the area, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices and other physical factors affecting production. Allotments and bases not retained shall be pooled.

(5) *In-county transfer upon displacement.* If, prior to pooling, an owner files a request to transfer the allotments and bases to other farms which he owns in the same county, the county committee may approve a direct transfer without formal establishment in the pool. Such transfer shall be subject to the requirements of paragraph (j) of this section.

(h) *Release of pooled allotments.* Pooled allotments, but not feed grain bases, may be released on an annual basis by the owner to the county committee during any year for which the allotments are pooled and not otherwise transferred from the pool. The county committee may reapportion such released allotments to other farms in the same county having allotments for such commodity. Pooled allotments shall not be released on a permanent basis or surrendered after release to the State committee for reapportionment in other counties. Reapportionment shall be on the basis of past acreage of the commodity, land, labor, and equipment available for the production of the commodity, crop rotation practices and soil and other physical facilities affecting the production of the commodity. Released pooled allotment shall be regarded as fully planted in the pool and not on the farm receiving reapportionment. This paragraph shall govern the release and reapportionment of pooled allotments notwithstanding other procedures contained in applicable commodity regulations.

(i) *Sale, lease, and owner transfers.* Pooled allotments for which there is statutory authority implemented in the applicable commodity regulations for transfer of allotments on a permanent or temporary basis by sale, lease, or by owner (within the meaning of owner for such purposes) may be transferred permanently from the pool by the owner or temporarily for the life of the pooled allotment, subject to the terms and conditions in the applicable commodity regulations for such transfers.

(j) *Regular transfers from pool.*—(1) *General rule.* The owner may request transfer of all or part of the pooled allotments and bases to any farm in the United States of which he is the bona fide owner: *Provided*, That there are farms in the receiving county with allotments or bases for the particular commodity, or if there are no such farms, the county committee determines that farms in the receiving county are suitable for the production of the commodity. For purposes of this paragraph:

(i) Receiving farm means the farm to which transfer from the pool is to be made;

(ii) Receiving State and county committees mean those committees for the State and county in which the receiving farm is located; and

(iii) Transferring State and county committees mean those committees for the State and county in which the agency acquired farm is located.

(2) *Application for transfer.* The owner shall file with the receiving county committee written application for transfer of allotment and feed grain base from the pool within 3 years after the date of displacement. The application shall contain a certification by the owner that he has made no side agreement with any person for the purpose of obtaining an allotment or feed grain base from the pool, for a person other than himself. The owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements; as for example, the deed of trust or mortgage, warranty deed, note, sales agreement, and lease.

(3) *Action by receiving county committee.* The receiving county committee shall consider each application and determine whether the transfer from the pool shall be approved. Before an application is acted upon by the receiving county committee, the owner shall personally appear before the receiving county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the receiving county committee, and answer all pertinent questions bearing on the proposed transfer: *Provided*, That the personal appearance requirement may be waived if the receiving county committee determines from facts presented to it on behalf of the owner that such personal appearance would unduly inconvenience the owner on account of illness or other good cause and such personal appearance would serve no useful purpose. Any action by the receiving county committee shall be subject to the approval required under subparagraph (5) of this paragraph.

(4) *Elements of bona fide ownership.* The receiving county committee shall approve the transfer from the pool only where the documents and other evidence presented by the owner show conclusively that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions:

(i) Appropriate legal documents establishing title to the receiving farm;

(ii) If the owner was the operator of the acquired farm at the date of displacement, such owner shall personally operate and be the operator of the receiving farm for the first year that allotment or feed grain base is transferred;

(iii) If the owner was not the operator of the acquired farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing-rent payment, such owner shall not be required to personally operate and be the operator of the receiving farm but at least 75 percent of the allotment or feed grain base for the receiving farm shall be planted on the receiving farm for the first year;

(iv) If the owner was not the operator of the acquired farm at the date of displacement but he was a producer on the acquired farm at the date of displacement by virtue of receiving a share of the crops produced on the acquired farm, such owner shall not be required to be the operator of the receiving farm but he shall be a producer on the receiving farm the first year that an allotment or feed grain base is transferred;

(v) The contractual arrangements between the owner and the seller of the receiving farm shall not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the seller nor shall the seller or a person designated by or subject to the control of the seller lease the receiving farm for the first year the allotment or feed grain base is transferred even though such contractual arrangements are silent as to any lease; and

(vi) Contractual arrangements under which the receiving farm was purchased or leased are customary in the community where the receiving farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(5) *Action of receiving State committee.* The approval of a transfer from the pool under this paragraph by the receiving county committee shall be effective upon concurrence by the receiving State committee. Notwithstanding any other provision of this section, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the

eligibility requirements of subparagraph (4)(ii), (iii), or (iv) of this paragraph cannot be met without creating a hardship because of illness, old age, multiple farm ownership, or lack of a dwelling on the farm to which allotment or feed grain base is to be transferred. Notwithstanding any other provisions of this section and particularly subparagraph (4)(v) of this paragraph, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations although the farm is leased to the seller of the farm for the first year the allotment is transferred.

(6) *Amount of allotment or feed grain base available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate allotment or feed grain base notice under the applicable commodity regulations. The allotment or feed grain base to be transferred for a commodity shall be no greater than an amount required to establish an allotment or feed grain base comparable with allotments or feed grain bases determined for other farms in the same area which are similar (except for the past acreage of the commodity), taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices, and the soil and other physical factors affecting the production of the commodity. For purposes of determining such amount, the receiving county committee shall consider the receiving tract as a separate farm when such tract is in combination with land under separate ownership. The acreage transferred from the pool shall not exceed the allotment or feed grain base most recently established for the acquired farm and placed in the pool. When all or a part of the allotment or feed grain base placed in the pool is transferred and used to establish or increase the allotment or feed grain base for other farms owned or purchased by the owner, all or the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments or feed grain bases to have been planted on the receiving farm for which an allotment or feed grain base is established or increased under this section. If only a part of the available allotment or feed grain base is transferred from the pool, the remaining part of the allotment and feed grain base, and past acreage history shall remain in the pool for transfer to other farms of the owner until all such allotment or feed grain base acreage has been transferred or until the period of eligibility for establishing or increasing allotments or feed grain bases under this section has expired.

(7) *Cancellation of transfers.* If any allotment or feed grain base is transferred under this paragraph and it is later determined by the receiving county or State committee, or the Deputy Administrator, that the transfer was obtained by misrepresentation by or on behalf of the owner, or the conditions applicable under subparagraph (4) of this paragraph are not met, the allotment or feed grain base for the receiving farm shall be reduced for each year the transfer purportedly was in effect by the amount attributable to the acreage transferred from the pool; and if the time for withdrawal from the pool has not expired, the amount of acreage initially transferred from the pool shall be returned to the pool after the period of time has expired in which the producer could exercise his rights of review and court action. Any cancellation of transfer of allotment or feed grain base by the receiving county committee shall be subject to approval by the receiving State committee. The receiving county committee shall issue any notice of marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(8) *Effect of release of pooled allotment.* Notwithstanding the provisions prescribed in this paragraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the transferring county committee pursuant to paragraph (h) of this section, the application for transfer will be processed in the usual manner but the amount of the commodity released shall not be effective on the receiving farm until the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another, the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment for which the transfer is requested has been released to the transferring county committee for the current year.

(k) *Constitution of acquired land.* (1) Where the owner leases part but not all of the agency acquired land, such part shall be constituted as a separate farm on the date of his displacement from the land not so leased.

(2) If a parent farm consists of separate ownership tracts, each such tract being acquired in whole or in part shall be considered as a separate farm for purposes of paragraph (g)(3) and (4) of this section.

(l) *Successors in interest*—(1) *Designation of beneficiary.* The owner may file with the county committee a written designation of beneficiary of his rights in the allotments and bases attributable to the acquired land in the event of his death and may revise such designation from time to time. The beneficiary of a deceased owner may exercise the right to continue a lease or to negotiate a lease with the agency or its designee and exercise the regular transfer rights with respect to farms owned by such beneficiary and may also exercise the release and sale, lease and owner transfer rights under this section.

(2) *Cases where no beneficiary designated.* If the owner does not file a designation of beneficiary under subparagraph (1) of this paragraph and the owner dies before displacement or after pooling occurs, the following persons shall be considered the beneficiary with the rights as provided under subparagraph (1) of this paragraph:

(i) The surviving joint owner of the farm where two persons own the farm as joint tenants with right of survivorship under which title passes to the survivor;

(ii) The person(s) who succeed to the deceased owner's interest under a will or by intestate succession. However, in the case of intestate succession, such person(s) shall be limited to surviving spouse, mother, father, brothers, sisters, or children of the deceased owner. In the settlement of the estate of the deceased owner, the heirs may file a written agreement with the county committee for the division of the deceased owner's rights under this section.

(m) *Limitations on transfers from pool.* (1) No transfer from the pool under paragraph (h), (i), or (j) of this section shall be approved if there remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the acquired farm or by the displaced owner; or if any of the commodity produced on the acquired farm has not been accounted for as required under applicable commodity regulations.

(2) If the tobacco or peanut allotment for an acquired farm next established after the date of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report, the allotment shall be reduced in the pool in accordance with the applicable regulations.

(Secs. 375, 378, 379; 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211; 7 U.S.C. 1375, 1378, 1379; sec. 16(i), 79 Stat. 1190, as amended; 16 U.S.C. 590p(i))

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 3, 1969.

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

[F.R. Doc. 69-8090; Filed, July 9, 1969; 8:47 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

On page 8205 of the FEDERAL REGISTER of May 27, 1969, there was published a notice of proposed rule making to provide the following in the Republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676):

(1) Extend the marketing certificate cost of 75 cents per bushel through the marketing year beginning July 1, 1969.

(2) Change the conversion factor for flour derived in a 72-percent extraction-rate-type operation to reflect the most

recent available information concerning the actual average extraction of those processors reporting on the conversion factor basis.

(3) Change the conversion factor for semolina and farina to reflect the same conversion factor provided for flour since these products are often produced as co-products of flour.

(4) Provide the refund rate for flour second clears not used for human consumption for the marketing year beginning July 1, 1969.

After giving consideration to the views and suggestions resulting from the 30-day notice given the public pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) the amendment is hereby issued as set forth in the notice of proposed rule making.

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. The provisions of this amendment shall be effective with respect to processing report periods beginning on and after July 1, 1969.

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

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

1. Section 777.5(a) is amended by changing the last sentence to read as follows:

§ 777.5 Applicability of certificate requirements.

(a) *General.* * * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years beginning July 1, 1965, through the marketing year beginning July 1, 1969.

* * * * *

2. Section 777.14(c) is amended by changing the conversion factors of the following products to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* * * *

A—Food product	B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.344
Semolina	2.344
Farina	2.344

* * * * * * *

3. Section 777.19(e) is amended by changing the third sentence to read as follows:

§ 777.19 Industrial users of flour second clears.

* * * * *

(e) *Refund rate.* * * * The refund rate for the marketing years beginning July 1, 1968, and July 1, 1969, shall be $1.68 per hundredweight, which was determined on the basis of a conversion factor of 2.240 multiplied by the applicable certificate cost rounded to the nearest cent. * * *

* * * * *

[F.R. Doc. 69-8139; Filed, July 9, 1969; 8:50 a.m.]

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

[Valencia Orange Reg. 284]

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

Limitation of Handling

§ 908.584 Valencia Orange Regulation 284.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 11, 1969, through July 17, 1969, are hereby fixed as follows:

(i) District 1: 175,000 cartons;

(ii) District 2: 265,000 cartons;

(iii) District 3: 60,000 cartons.

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

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

Dated: July 9, 1969.

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

[F.R. Doc. 69-8236; Filed, July 9, 1969; 11:23 a.m.]

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

On June 17, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9455) regarding proposed expenses and the proposed rate of assessment for the period March 1, 1969, through February 28, 1970, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 916.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by

the Nectarine Administrative Committee during the period March 1, 1969, through February 28, 1970, will amount to $289,747.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.05 per No. 22D standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1969, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

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

Dated: July 7, 1969.

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

[F.R. Doc. 69-8141; Filed, July 9, 1969; 8:50 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Subpart—Administrative Rules and Regulations

TRANSFER OF ALLOTMENT BASES

Notice was published in the June 20, 1969, issue of the FEDERAL REGISTER (34 F.R. 9682) of a proposal to amend § 991.146, based upon the recommendations of the Hop Administrative Committee, to establish a procedure applicable to transfers of allotment bases. This procedure applies to producers having allotment bases issued by the Committee and does not authorize persons other than such producers to effectuate a transfer. This subpart is operative pursuant to Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to amend § 991.146, Administrative rules and regulations as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, § 991.146 is amended as follows:

§ 991.146 Transfer of allotment bases.

As provided in § 991.46, any producer may transfer all or part of an allotment base from himself to another producer.

(a) Such a transfer shall be recognized, and annual allotments granted thereunder, if in accordance with the following:

(1) Prior to a producer transferring all or a part of his allotment base to another producer, he notifies the Committee in writing of such intent;

(2) The execution by the producers, in the presence of a designated agent of the Committee, of a Committee-approved allotment base transfer form at a time and place mutually agreed upon by the producers and the agent of the Committee; and at such time the producers deliver their applicable allotment base certificates to the agent of the Committee;

(3) The executed allotment base transfer form sets forth, among other things, the amount of the allotment base being transferred and the effective date of the transfer;

(4) The transferee's evidence as to capability to produce and harvest in the first marketing year the annual allotment referable to the allotment base being transferred is accepted by the Committee unless waiver to produce such allotment is granted pursuant to § 991.38 (a)(5); and

(5) Written notification of recognition of the transfer is issued by the Committee to the producers involved.

(b) After the written recognition by the Committee, it shall issue to each producer involved a new allotment base certificate showing the producer's total allotment base as a result of the transfer. However, if a producer transfers all of his allotment base, no new allotment base certificate shall be issued to him.

(c) Whenever a producer transfers all or part of his allotment base to another producer, the annual allotment referable to such transferred allotment base, or part thereof, shall be issued to the transferee only if the transfer is effective prior to the issuance of an annual allotment to the transferor or prior to April 1, whichever is the earlier.

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

Dated July 7, 1969, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69-8142; Filed, July 9, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Flaxseed Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Flaxseed Loan and Purchase Program

SUPPORT RATES, PREMIUMS, AND DISCOUNTS

Correction

In F.R. Doc. 69-6732 appearing at page 9059 in the issue of Saturday, June 7, 1969, the following change should be made in § 1421.3068(b): The rate per bushel for Hanson County, S. Dak., now reading "3.75" should read "2.75."

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 250—MISCELLANEOUS INTERPRETATIONS

Bank Mergers

§ 250.182 Terms defining competitive effects of proposed mergers.

The Board has developed and used for some time certain terms to describe the competitive effect of the proposed mergers in reports on competitive factors requested of the Board by the Comptroller of the Currency and the Federal Deposit Insurance Corporation under the Bank Merger Act (12 U.S.C. 1828(c)). Under the Act, a Federal banking agency receiving a merger application must request the views of the other two Federal banking agencies and the Department of Justice on the competitive factors involved. The terms and their definitions are as follows:

(a) The term "monopoly" is used to indicate the Board's view that the proposed transactions must be disapproved in accordance with paragraph (5)(A) of section 1828(c) of 12 U.S.C.

(b) The term "substantially adverse" is used to indicate the Board's view that the proposed transaction would have such actual or potential anticompetitive effects as to forbid approval unless "clearly outweighed" as specified in paragraph (5)(B) of section 1828(c) of 12 U.S.C.

(c) The term "adverse" is used to indicate the Board's view that in appraising the public interest to determine whether the proposal should be approved or disapproved, the actual or potential adverse anticompetitive effects thereof would be such as to necessitate definite consideration as one of the factors covered in the last sentence of paragraph (5) of section 1828(c) of 12 U.S.C.

(d) The term "slightly adverse" is used to indicate the Board's view that the actual or potential anticompetitive

effect of the transaction would be of little importance.

(e) The term "no adverse competitive effects" is used to indicate the Board's view that the situation with respect to actual or potential anticompetitive effects need not weigh against the application.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 1828(c))

Dated at Washington, D.C., this 1st day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8064; Filed, July 9, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9426; Amdt. 39-794]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring installation of resistors and capacitors into both phases of the heating circuit for the pilot's and copilot's main windshield on the BAC 1-11 200 and 400 Series Airplanes, was published in 34 F.R. 2137.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One of the comments received stated that since the proposed modification is related to installations using the Plessey relays, it should not apply to one air carrier who has replaced all Plessey relays with Leach relays. However, the FAA does not agree. The technical data furnished to date does not support the use of the Leach relay without the additional resistors and capacitors. However, in response to another comment, the compliance time has been changed from 1,000 hours to 1,500 hours' time in service. The original request that compliance be changed to 3,000 hours' time in service was modified due to the elapse of time since this action originated on September 13, 1968. It should also be noted that an "FAA approved equivalent" with respect to the physical location of the 20K ohm resistors may be used in meeting this AD. This should provide the flexibility referred to in the comments.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Model BAC 1-11 200 and 400 Series Airplanes.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the failure of the windshield heating circuit, install 20K ohm resistors and 1-mfd capacitors into both phases of the heating circuit for the pilot's and copilot's main windshield in accordance with British Aircraft Corporation Modification Bulletin No. 30-PM 3092, Revision 8, dated July 22, 1968 or later ARB-approved revision or an FAA approved equivalent.

This amendment becomes effective August 10, 1969.

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

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

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-8085; Filed, July 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-78]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the New Haven, Conn. control zone (34 F.R. 4608).

The weather observation and reporting requirements to support the New Haven control zone cannot be met since the Weather Bureau office at Tweed-New Haven Airport was closed on June 15, 1969. These requirements will again be met when the Federal Aviation Administration assumes operation of the Tweed-New Haven tower on December 1, 1969. Meanwhile, this deficiency will require temporary suspension of the New Haven, Conn. control zone designation.

Since this amendment is relieving a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of New Haven, Conn., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by adding to the New Haven, Conn. control zone the parenthetical statement "(suspended until December 1, 1969)".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 30, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-8086; Filed, July 9, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1544]

PART 13—PROHIBITED TRADE PRACTICES

Braeburn Mfg. Co. and John Marcus

Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act. Subpart—Using Misleading Name—Goods: § 13.2280 *Composition:* 13.2280-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Braeburn Manufacturing Co. et al., Lowell, Mass., Docket C-1544, June 11, 1969]

In the Matter of Braeburn Mfg. Co., a Corporation, and John Marcus, Individually and as an Officer of Said Corporation

Consent order requiring a Lowell, Mass., manufacturing of men's and boys' outerwear to cease misbranding the fiber content of its wool products.

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

It is ordered, That respondents Braeburn Mfg. Co., a corporation, and its officers, and John Marcus, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

3. Failing to set forth the generic names of manufactured fibers established in Rule 7 of the regulations promulgated under the Textile Fiber Products Identification Act, in naming such fibers in required information on stamps, tags, labels or other means of identification attached to wool products.

4. Using the name of a specialty fiber permitted in section 2(b) of the Wool Products Labeling Act in lieu of the word "wool" in setting forth the required information on labels affixed to wool products unless the fibers so described are entitled to such designation and are present in at least the amount stated.

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

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

Issued: June 11, 1969.

By the Commission.

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

[F.R. Doc. 69-8114; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. C-1541]

PART 13—PROHIBITED TRADE PRACTICES

Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., and Dennis G. Svejda

Subpart—Disparaging Competitors and Their Products—Competitors' Products: § 13.990 *Materials;* § 13.1000 *Performance;* § 13.1025 *Safety.* Subpart—Securing Orders by Deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., et al., Kansas City, Mo., Docket C-1541, June 6, 1969]

In the Matter of Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., a Corporation, and Dennis G. Svejda, Individually and as an Officer of Said Corporation

Consent order requiring a Kansas City, Mo., distributor of furnaces and other heating equipment, to cease making false representations to prospective customers that the condition of their furnace is defective, unsafe, or hazardous.

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

It is ordered, That respondents Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., a corporation, and its officers, and Dennis G. Svejda, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale, repair, or servicing of furnaces, heating equipment or the parts thereof, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents will clean a prospective customer's furnace or heating equipment for a nominal fee unless, as a matter of fact, such offer is a bona fide offer to inspect or to clean such furnace or heating equipment;

(b) Any furnace, heating equipment or parts thereof are defective, not repairable or repairable only at extensive cost, unless such are the facts;

(c) The continued use of any furnace, heating equipment or parts thereof is dangerous or hazardous to the health of the owner thereof or his family, due to escaping carbon monoxide, fire or other causes, unless such are the facts;

(d) A furnace which has been inspected by respondents' employees cannot be used without danger of asphyxiation, gas poisoning, fires or other damage, when such is not a fact;

2. Misrepresenting in any manner the condition of any furnace, heating equipment or the parts thereof which have been inspected by respondents or their employees.

It is further ordered, That respondents:

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

b. Distribute a copy of this order to each of their operating divisions.

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

Issued: June 6, 1969.

By the Commission.

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

[F.R. Doc. 69-8115; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. C-1546]

PART 13—PROHIBITED TRADE PRACTICES

O.K. Wool Co., Inc., and Oscar Kazarnovsky

Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Using Misleading Name—Goods: § 13.2280 *Composition:* 13.2280-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, O.K. Wool Co., Inc., et al., Worcester, Mass., Docket C-1546, June 16, 1969]

In the Matter of O.K. Wool Co., Inc., a Corporation, and Oscar Kazarnovsky, Individually and as an Officer of Said Corporation

Consent order requiring a Worcester, Mass., processor of wool and synthetic fiber yarns to cease misbranding and falsely invoicing its wool products.

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

It is ordered, That respondents O.K. Wool Co., Inc., a corporation, and its officers, and Oscar Kazarnovsky, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

3. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

It is further ordered, That respondents O.K. Wool Co., Inc., a corporation, and its officers, and Oscar Kazarnovsky, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bales of fibrous stock and yarns, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Shetland," or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however,* That in the case of a product composed in part of wool of the aforesaid Shetland sheep and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection therewith, with at least equal conspicuousness, words truthfully describing such other constituent fibers or materials.

2. Misrepresenting the character or amount of constituent fibers contained

in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: June 16, 1969.

By the Commission.

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

[F.R. Doc. 69-8116; Filed, July 9, 1969; 8:49 a.m.]

[Docket No. 6534]

PART 13—PROHIBITED TRADE PRACTICES

Israel Rattinger et al.

Subpart—Appropriating trade name or mark wrongfully: § 13.295 *Appropriating trade name or mark wrongfully:* 13.295-20 Competitor. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity.* Subpart—Simulating another or product thereof: § 13.2240 *Trade name of another:* § 13.2245 *Trade name of product.* Subpart—Using misleading name—goods: § 13,2345 *Source or origin:* 13.2345-50 Maker.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Israel Rettinger et al. Doing business as Rettinger Raincoat Manufacturing Co., New York, N.Y., Docket 6534, May 27, 1969]

In the Matter of Israel Rettinger and David Rettinger, Individually and as Copartners, Doing Business as Rettinger Raincoat Manufacturing Co.

Order modifying a cease and desist order dated August 17, 1956, 21 F.R. 6544, which prohibited a manufacturer of rainwear from misusing the word "Goodyear" by permitting the successor respondent to use the term "Goodyear—Made by Rettinger" and similar words.

The modified order to cease and desist, is as follows:

It is ordered, That respondent David Rettinger, individually and as a former copartner in Rettinger Raincoat Manufacturing Co., a partnership now dissolved, and as a former officer and active stockholder of Rettinger Raincoat Manufacturing Co., Inc., a corporation, which corporation is the successor and assign of said partnership, and respondent's agents, representatives, employees, and successors and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rainwear, including rubber raincoats and rainsuits, and other similar kinds of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Using the word "Goodyear," or any other word or words of similar import, to designate or refer to such merchandise unless, in immediate conjunction with such word or words, respondent affirmatively discloses, clearly and conspicuously, either that the Goodyear Tire and Rubber Co. of Akron, Ohio, is not the manufacturer or source of such merchandise or that the manufacturer or source of such merchandise is a firm other than the Goodyear Tire and Rubber Co. of Akron, Ohio: *Provided, however*, That with respect to merchandise manufactured by Rettinger Raincoat Manufacturing Co., Inc., use in the foregoing manner of any of the following disclosure statements, which statements are illustrative but not all-inclusive, will be deemed by the Commission to constitute compliance with this order:

Goodyear—Not Made by Goodyear of Akron, Ohio
Goodyear—Made by Rettinger
Goodyear—Made by Lucky Rainwear.

And provided, further, That with respect to merchandise manufactured by a firm other than Rettinger Raincoat Manufacturing Co., Inc., but distributed by said company use in the foregoing manner of any of the following disclosure statements, which statements are illustrative but not all-inclusive, will be deemed by the Commission to constitute compliance with this order:

Goodyear—Not Made by Goodyear of Akron, Ohio
Goodyear—By Rettinger
Goodyear—By Lucky Rainwear

It is further ordered, That for purposes of compliance, this order shall be considered inapplicable with respect to those articles of merchandise in inventory as of the date of service of this order which bear disclosure statements indicating that such merchandise is made or manufactured by the Rettinger Raincoat Manufacturing Co., Inc., or by Rettinger or by Lucky Rainwear.

It is furthered ordered, That the order to cease and desist contained in the Commission's decision of August 17, 1956, be, and it hereby is, vacated as to decedent Israel Rettinger, a former copartner in the dissolved partnership, Rettinger Raincoat Manufacturing Co.

It is further ordered, That respondent David Rettinger and Rettinger Raincoat Manufacturing Co., Inc., a corporation, shall, within 60 days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order to cease and desist.

Issued: May 27, 1969.

By the Commission.[1]

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

[F.R. Doc. 69-8117; Filed, July 9, 1969; 8:49 a.m.]

[1] Dissenting statement of Commissioner Dixon filed as part of the original document. Commissioner MacIntyre abstaining.

[Docket No. C-1545]

PART 13—PROHIBITED TRADE PRACTICES

Scott Finks Co., Inc., and W. S. Finks

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Scott Finks Co., Inc., et al., Kansas City, Mo., Docket C-1545, June 13, 1969]

In the Matter of Scott Finks Co., Inc., a Corporation, and W. S. Finks, Individually and as President and a Director of Said Corporation

Consent order requiring a Kansas City, Mo., produce wholesaler to cease making unlawful brokerage payments.

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

It is ordered, That respondents Scott Finks Co., Inc., a corporation, and its officers, and W. S. Finks, individually and as president and a director of Scott Finks Co., Inc., and respondents' agents, representatives, and employees, directly or through any corporate or other device, in or in connection with the sale of produce in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of produce to such buyer for his own account.

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

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

Issued: June 13, 1969.

By the Commission.[1]

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

[F.R. Doc. 69-8118; Filed, July 9, 1969; 8:49 a.m.]

[Docket No. C-1543]

PART 13—PROHIBITED TRADE PRACTICES

Texas Refinery Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-65 Financial condition; § 13.60 *Earnings and*

[1] Commissioner Elman not concurring.

profits. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Texas Refinery Corp., et al., Fort Worth, Tex., Docket C-1543, June 10, 1969]

In the Matter of Texas Refinery Corp., a Corporation, and Adlai M. Pate, Jr., and Hal B. Brooks, Individually and as Officers of Said Corporation

Consent order requiring a Fort Worth, Tex., marketer of protective coating products to cease using exaggerated earning claims to recruit salesmen and misrepresenting its assets.

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

It is ordered, That respondents Texas Refinery Corp., a corporation, and its officers, and Adlai M. Pate, Jr., and Hal B. Brooks, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of protective coating products or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that an agent or salesperson whose earnings will consist of commissions or a combination of salary and commissions will be employed solely on a salary basis; or misrepresenting, in any manner, the basis of remuneration or the terms or conditions of employment of respondents' agents, salespersons, or employees.

2. Representing, directly or by implication, that either full-time or part-time agents or salespersons will earn any stated or gross or net amount; or representing, in any manner, the past earnings of either full-time or part-time agents or salespersons unless in fact the past earnings represented are those of a substantial number of such agents or salespersons and accurately reflect the average earnings of such agents or salespersons under circumstances similar to those of the person to whom the representation is made.

3. Representing, directly or by implication, that Texas Refinery Corp. has assets of $50 million or any other amount in excess of its actual assets; or misrepresenting, in any manner, the assets of any business owned, operated or controlled by respondents.

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

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

Issued: June 10, 1969.

By the Commission.

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

[F.R. Doc. 69-8119; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Term "Hand Carved" To Describe Furniture

§ 15.353 Use of the term "hand carved" to describe furniture.

(a) The Commission issued an advisory opinion with respect to the use of the term "hand carved" to describe certain furniture.

(b) The manufacturing procedure for the furniture calls for a prototype to be completely constructed and carved by hand. Then, the prototype becomes a pattern for an intricate machine which "rough cuts" the carvings on subsequent pieces for assembly production. Each piece so manufactured then has intricate hand detailing, carving and finishing to the extent that each piece is, in fact, different in artistic detail from the one which follows it. Each piece is numbered and signed by the craftsman who completes it.

(c) The Commission expressed the view that using the term "hand carved" to describe furniture manufactured in the manner described would probably violate the Federal Trade Commission Act, section 5.

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

Issued: July 9, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-8129; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Plan in Grocery Field

§ 15.354 Tripartite promotional plan in the grocery field.

(a) The Commission issued an advisory opinion with respect to a proposed tripartite promotional plan in the grocery field.

(b) The applicant proposed to lease space at a fixed fee in each of all competing food stores in the top 50 markets in the country. On this leased space the applicant will install a display of 15 still-color illustrations of special food dishes. The applicant would sell advertising space to food packagers. The applicant would advertise the availability of his plan in the trade press and notify each store in a direct-mail program. Real estate brokers would also be used in an effort to secure participation by all competing retailers. Retailers with no floor space available for applicant's proposed display could participate by permitting the applicant to install 15 single modular units on shelves for which the retailers would receive the same compensation as retailers having applicant's displays.

(c) The Commission advised the applicant that were the plan implemented as proposed, the Commission would have no objection to it. The Commission pointed out that were the plan implemented in a different manner, the promoter, the supplier, and the retailer might be acting in violation of section 2 (d) or (e) of the Clayton Act, as amended, and/or section 5 of the Federal Trade Commission Act. The Commission also told the applicant: "The promoter must make it clear to each supplier and each retailer that even though an intermediary is employed in this plan, it remains the supplier's responsibility to take all reasonable steps so that each of the supplier's customers, including those who do not purchase directly from the supplier, who compete with one another in reselling his products is offered an opportunity to participate in the promotional assistance plan on proportionally equal terms, which plan should include suitable alternatives if there are customers who may be unable as a practical matter to participate in the primary program; if not, the supplier, the retailer and the promoter participating in the plan may be acting in violation of section 2 (d) or (e) of the Clayton Act and/or section 5 of the Federal Trade Commission Act."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 9, 1969.

By direction of the Commission.[1]

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

[F.R. Doc. 69-8130; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Partly Foreign-Made Textile Products

§ 15.355 Disclosure of origin of partly foreign-made textile products.

(a) The Commission advised a manufacturer of men's and boys' slacks that it would not be necessary to disclose the fact that certain assembly and sewing operations are performed in a specified foreign country.

(b) Under the facts presented to the Commission, the slacks consist of cotton and synthetic woven fabrics and threads, and steel hooks and eye enclosures, all of which are made in the United States. Said materials are inspected and cut to pattern in the United States and certain assembly steps, such

[1] Commissioner Elman dissented from this action of the Commission.

as the sewing of belt loops and the attachment of zipper chains, are also performed domestically. Thereafter, they are shipped to the company's plant in a foreign country where they are further assembled and sewn. Finally, they are returned to the United States were the buttonholes are sewn, the buttons attached, and the pants are pressed, inspected, cured, and prepared for shipment to customers.

(c) The cost of the foreign assembly and sewing operations is approximately 13.5 percent of total production costs, and the company wanted to know whether it would be necessary to disclose the nature and extent of the foreign operations either under section 5 of the FTC Act or section 4(b)(4) of the Textile Fiber Products Identification Act. It was further understood that the company does not intend to label the slacks as "Made in U.S.A." or use any other words of similar import.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 72 Stat. 1717; 15 U.S.C. 70)

Issued: July 9, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-8131; Filed, July 9, 1969; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 54—GRANTS FOR SPECIALIZED SERVICE FACILITIES

Supersedure of Subpart

The regulations in Subpart B of this Part 54 are superseded effective on the date of publication in the FEDERAL REGISTER of the regulations for the program of the Social and Rehabilitation Service relating to grants for construction and initial staffing of community mental retardation facilities which are codified in Part 416 of Chapter IV of Title 45 of the Code of Federal Regulations.

Dated: June 27, 1969.

BERNARD SISCO, *Acting Assistant Secretary for Administration.*

[F.R. Doc. 69-8133; Filed, July 9, 1969; 8:50 a.m.]

SUBCHAPTER F—QUARANTINE, INSPECTION, AND LICENSING

PART 76—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES: PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

Sulfur Oxide Emissions and Disposal of Waste

On April 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6122) setting out proposed amendments to this part which would revise the sections on definitions, emissions of sulfur oxides, and disposal of waste. Interested persons were given 30 days in which to submit written data, views, or arguments, and Federal officials were given opportuntiy for consultation regarding the proposed amendments.

No Federal officials requested consultation. Two written comments were received; only one of which was responsive to the proposal, and that comment misinterpreted the limited nature of these proposed perfecting amendments. Nevertheless, due consideration was given to these comments and further consideration will be given to them when substantive amendments to Part 76 are proposed.

Accordingly, the proposed revisions are hereby adopted without change and are set out below.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

ROBERT H. FINCH, *Secretary.*

Part 76 is amended as follows:

1. Section 76.1 is amended by revising paragraph (c) and adding paragraphs (g), (h), (i), and (j), as follows:

§ 76.1 Definitions.

* * * * *

(c) "Ringelmann Scale" means the Ringelmann Scale as published in the latest U.S. Bureau of Mines Information Circular entitled "Ringelmann Smoke Chart".

* * * * *

(g) "Unit" means all indirect heat exchangers connected to a single stack.

(h) "Particulate matter" means any material, except uncombined water, that exists as a solid or liquid at standard conditions.

(i) "Standard conditions" means a temperature of 70° Fahrenheit and a pressure of 14.7 pounds per square inch, absolute.

(j) "Waste" means any solid, liquid, or gaseous substance, the disposal of which may create an air pollution problem.

2. Section 76.5 is amended by revising paragraph (c)(1) to read:

§ 76.5 Sulfur oxides.

* * * * *

(c)(1) Effective October 1, 1969, combustion units of all Federal facilities or buildings located in the following areas shall comply with applicable emission limitations and control measures set out below:

(i) In the New Jersey-New York-Connecticut Interstate Air Quality Control Region as defined by 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.35 pounds per million B.t.u. (gross value) heat input.

(ii) In the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois) and in the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) as defined in 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.65 pounds per million B.t.u. (gross value) heat input.

* * * * *

3. Section 76.8 is revised to read as follows:

§ 76.8 Disposal of waste.

(a)(1) Waste shall not be burned in open fires in urban areas.

(2) In nonurban areas, there shall not be burned in open fires, within a 24-hour period, more than 25 pounds of waste at a single site nor more than 500 pounds of waste at any number of sites within a 1-mile radius, except that these quantities may be exceeded in the case of onsite burning of waste produced in connection with operations performed at railroad rights-of-way, interurban highways, irrigation canals, forests, agricultural sites, etc., and provided that care is exercised to prevent creation of localized air pollution which endangers health or welfare. Deteriorated or unused explosives, munitions, rocket propellants, and certain hazardous wastes may be burned in open fires, in accordance with recognized procedures.

(3) Wastes shall not be left in open dumps.

(4) Wastes that are disposed of in sanitary landfills shall be disposed of in accordance with procedures described in "Sanitary Landfill Facts" (PHS publication No. 1792, 1968) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(b)(1) Waste shall be burned only in facilities especially designed for that purpose, except as provided in paragraph (a) of this section.

(2) For incinerators acquired on or after June 3, 1966 the density of any emission to the atmosphere shall not exceed number 1 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(3) For incinerators acquired prior to June 3, 1966 the density of any emission to the atmosphere shall not exceed number 2 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(c)(1) In addition, for installations burning more than 200 pounds of waste per hour, emissions shall not exceed 0.2 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12

percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test procedures described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October, 1967) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(2) For installations burning 200 pounds of waste per hour or less, emissions shall not exceed 0.3 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test specifications described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October 1967) and any amendments or revisions thereof.

(3) Test procedures which are approved by the Commissioner, National Air Pollution Control Administration, as equivalent to those prescribed by paragraphs (c)(1) and (c)(2) of this section may be used for the purpose of determining an installation's compliance with the emission standards for particulate matter contained in such paragraphs.

[F.R. Doc. 69-8134; Filed, July 9, 1969; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2261]

PART 2240—SALES AND EXCHANGES

Subpart 2243—Public Sales

SALE OF UNINTENTIONAL TRESPASS LANDS

JULY 3, 1969.

On page 7247 of the FEDERAL REGISTER of May 2, 1969, there was published a notice and text of a proposed amendment to Subpart 2243 of Title 43, Code of Federal Regulations. The purpose of the amendment is to implement the Act of September 26, 1968 (43 U.S.C. 1431–1435 (Supp. IV 1968)). This act authorizes the sale of lands which were affected by unintentional trespass on or before September 26, 1968, and which contain some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification for disposal under the homestead or desert land laws.

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. Only two comments were received. One comment endorsed the regulations and suggested no changes. The other objected to the provision relating to trespass charges in § 2243.3–4. That provision, however, reflects the requirements of section 3 of the Act of September 26, 1968 (43 U.S.C. 1433 (Supp. IV 1968)).

The proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective on publication in the FEDERAL REGISTER.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

JULY 3, 1969.

1. A new paragraph is added to § 2243.0–1 to read as follows:

§ 2243.0–1 Purpose.

* * * * *

(c) The regulations in § 2243.3 implement the Act of September 26, 1968 (82 Stat. 870). This act authorizes the sale of certain land that was affected by unintentional trespass on or before September 26, 1968.

2. A new section is added to subpart 2243 to read as follows:

§ 2243.3 Procedures under the Act of September 26, 1968.

§ 2243.3–1 General.

(a) *Authority.* The Act of September 26, 1968 (82 Stat. 870) authorizes the Secretary of the Interior to sell at public auction any tract of public lands not exceeding 120 acres that was affected by unintentional trespass by the owner or user of contiguous lands on or prior to September 26, 1968, and which contains some land that has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. The act permits sales only if the Secretary of the Interior finds the land is not needed for a public purpose. The act limits the amount of land any person may acquire under its terms to 120 acres. The authority to make such sales expires on September 26, 1971, except that sales for which application has been made prior to September 26, 1971, may be completed after that date.

(b) *Objectives.* The program of the Secretary of the Interior in the administration of the act is to take into consideration the criteria set out in Part 2410 and to sell at public auction for not less than their appraised fair market value on an orderly basis public lands subject to the act which are not needed for a public purpose. To conform with the specific purposes of the act, lands will be sold in the smallest aliquot parts practicable in each situation.

§ 2243.3–2 Lands subject to sale.

(a) The act authorizes the Secretary of the Interior on his own motion or upon application of any person who owns contiguous lands to order into market and sell at public auction for not less than the appraised fair market value any tract of public lands not exceeding 120 acres which on or before September 26, 1968, was affected by unintentional trespass by the owner or user of contiguous lands and which he finds is not needed for public purposes and contains some land that has been or can be put to cultivation.

(b) The Secretary of the Interior has full discretion to determine whether land should be ordered into market under the regulations of this part. Factors that will be taken into consideration in making these determinations are described in Subpart 2410 of this chapter. Lands which are valuable for minerals will not be sold unless the minerals can be reserved to the United States under existing law. (See 30 U.S.C. section 21.)

(c) Only tracts of public land that are classified by the authorized officer under the criteria and procedures in Part 2410 of this chapter can be sold pursuant to the regulations in this section.

§ 2243.3–3 Procedures.

The provisions of § 2243.1 apply to sales under this section except that the owner of contiguous lands who wishes to assert his preference right must offer to purchase the lands at the highest bid received. A credit, determined by the authorized officer, will be given to a preference right purchaser for any value added to the land by him or his predecessors in interest during any period of unintentional trespass.

§ 2243.3–4 Trespass charges.

Purchase of lands in accordance with the act and these regulations shall not relieve any person from liability for unauthorized use of the lands while title was in the United States.

[F.R. Doc. 69-8124; Filed, July 9, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 69–13; Notice 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [1]

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and the Appendix A of Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding

[1] Formerly contained in 23 CFR Part 255.

tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) [2] will be followed.

The Japan Automobile Manufacturers Association, Inc., has petitioned for the addition of the 4.80–10 tire size designation to Table I–C of Appendix A of Standard No. 109 and the 3.50D alternative rim to Table I of Appendix A of Standard No. 110. The Rubber Manufacturers Association has petitioned for the addition of the C78–13 tire size designations to Table I–J of Appendix A of Standard No. 109 and the 5½JJ alternative rim for the C78–13 tire size and the 6JJ alternative rim for the E78–14 tire size to Table I of Appendix A of Standard No. 110.

The Rubber Manufacturers Association also petitioned for adding of a footnote to Table I of Appendix A of Standard No. 110 concerning the interchangeability of JJ, J, and JK rim flanges.

On the basis of the data submitted by the Japan Automobile Manufacturers Association and the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, and data showing bead unseating values for tires on JJ, J, and JK rims, Appendix A of Federal Motor Vehicle Safety Standard No. 109 is being amended and Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 16102) are amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

(Delegation of authority of Oct. 5, 1968 (33 F.R. 14964); secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation from Secretary of Transportation, Part 1 of regulations of the Office of the Secretary (49 CFR 1.4(c)))

Issued on July 2, 1969.

H. M. JACKLIN, Jr.,
Acting Director, Motor Vehicle Safety Performance Service.

[2] Formerly contained in 23 CFR Part 216.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

1. Table I–C of Appendix A is amended by inserting between the title "Super Balloon" sizes and the tire size designation 5.20–10, the following new tire size 4.80–10 data:

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I–C

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
4.80–10	320	355	390	430	470	490	510	535	555	575	595			3½	23.90	5.00

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

2. Table I–J of Appendix A is amended by inserting between the title and the tire size designation B78–14, the following new tire size C78–13 data:

TABLE I–J

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
C78–13	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400			5½	31.56	7.45

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD NO. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

Delete Table I of Appendix A and insert the following new Table I of Appendix A:

FMVSS No. 110

APPENDIX A—TABLE I

ALTERNATIVE RIMS

Tire size	*Rim* [1]
4.80–10	*3.50D.*
6.40–15	4–JJ, *4½–JJ, 4½–K, 4.50E,* 5.00E, 5–JJ, 5–K, 5½–JJ.
7.00–15	*5.00F,* 5–K.
8.25–15	5½–JJ, *6–JJ, 6–K, 6–L.*
8.55–15	5½–JJ, *6–JJ, 6–K, 6–L.*
8.90–15	6–JJ, *6½–L,* 7–L.
9.15–15	5½–JJ.
E50C–16	3½.
F50C–16	3½.
H50C–17	3½.
F60–15	6½–JJ, *7–JJ.*
D70–13	*5½–JJ, 5½–K.*
E70–14	7–JJ.
F70–14	7–JJ.
C70–15	*5½–JJ.*
E70–15	7–JJ.
F70–15	8–JJ.
G70–15	7–JJ.
5.0–15	3.50B, 3.50D, 3½–JJ, *4–JJ, 4.00C.*
5.5–15	3.50D, 3½–JJ, *4–JJ,* 4½–JJ.
145–10	3.50B.
145–13	3½–JJ, 4½–JJ.
165–13	*4½–JJ.*
185–15	4½–JJ.
5.20–13	4½–JJ.
5.60–13	3½–JJ, 4–JJ.
6.00–13	*4–JJ.*
5.60–15	5–K.
155R13	5–JJ.
155–13/ 6.15–13	5–JJ.
B78–14	*4½–JJ, 4½–K,* 5–JJ, 5–K.
C78–14	4½–JJ, *5–JJ, 5–K,* 5½–JJ, 6–JJ.
D78–14	*5–JJ, 5–K.*
E78–14	4½–JJ, 5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6½–JJ.
F78–14	5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6–K, 6½–JJ.
G78–14	5–JJ, 5½–JJ, 5½–K, *6–JJ, 6–K,* 7–JJ.
H78–14	5½–JJ, *6–JJ, 6–K,* 6½–JJ, 6½–K.
J78–14	*6–JJ, 6–K,* 6½–JJ.
C78–15	4½–JJ, 4½–K, *5–JJ, 5–K.*
D78–15	*5–JJ, 5–K.*
E78–15	4½–K, *5–JJ, 5–K,* 5½–JJ, 5½–K, 6–JJ.
F78–15	4½–K, 5–JJ, 5–K, *5½–JJ,* 5½–K, 6–JJ.
G78–15	5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6–K, 6–L.
H78–15	5½–JJ, 5½–K, *6–JJ, 6–K, 6–L,* 6½–K.
J78–15	*6–JJ, 6–K, 6–L,* 6½–JJ.
L78–15	*6–JJ, 6–K, 6–L,* 6½–JJ.

[1] Italicized designations denote Test Rims.

NOTE: Where JJ rims are specified in the above table, J and JK rim contours are permissible.

[F.R. Doc. 69–8035; Filed, July 9, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Gardner Division designated by signs as open to hunting. This open area, comprising 4,200 acres of the total Gardner Division area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1, 1969, through October 15, 1969, inclusive.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 3, 1969.

[F.R. Doc. 69-8123; Filed, July 9, 1969; 8:49 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of sharp-tailed grouse and ring-necked pheasant is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on well-defined trails. No travel is permitted beyond posted points, or off the trails in the hills or meadows.

(2) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 3, 1969.

[F.R. Doc. 69-8067; Filed, July 9, 1969; 8:45 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on well-defined trails. No travel is permitted beyond posted points, or off the trails in the hills or meadows.

(2) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 3, 1969.

[F.R. Doc. 69-8066; Filed, July 9, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

CHEWING GUM

Enforcement Regulations for Fair Packaging and Labeling Act; Revision of Proposed Exemption

In the FEDERAL REGISTER of January 17, 1969 (34 F.R. 758), it was proposed that § 1.1c(a)(4) be revised to exempt chewing gum in packages containing less than one-half ounce from the declaration of net quantity of contents required by § 1.8b under the Fair Packaging and Labeling Act. The proposal was in response to a petition submitted by the National Association of Chewing Gum Manufacturers (NACGM), 336 Madison Avenue, New York, N.Y. 10017.

Four States submitted comments in support of the proposal, one recommending that the regulation be clarified to show that it does not apply to multipack individually wrapped pieces of gum.

The petitioner, Leaf Brands Division of W. R. Grace & Co., and the National Confectioners Association (NCA) submitted comments urging that the proposed exemption be expanded to afford individually wrapped pieces of chewing gum weighing less than one-half ounce the same exemption granted for "penny candy" by § 1.1c(a)(4).

1. The NACGM comments that based on the competition that exists among all competing "penny" goods, whether candy or gum, it is demonstrably reasonable to grant the same labeling exemption or apply the same labeling requirements to all items in such direct competition and it is demonstrably unnecessary to impose the container labeling requirements where the individual piece labeling requirements are retained.

2. The NCA comments that the regulation would be clearer and simpler if it read "individually wrapped pieces of confectionery of less than one-half ounce net weight," since "confectionery" encompasses candy and gum and is more specific than the term "penny candy."

3. Leaf Brands comments that there is no apparent reason why individually wrapped pieces of gum should be treated differently from any other small package. The problem—utter lack of enough space for all the information required—is the same, no matter what the package contains. Also, to require all mandatory information on such small packages could be a "death blow" to marketers of the subject gum since it would be virtually impossible to print it on the wrapper.

The Commissioner of Food and Drugs, having considered the comments and other relevant information, concludes that the proposal should be revised to read as set forth below.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 1.1c(a)(4) be revised to read as follows and this supersedes the proposal of January 17, 1969:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

(4) Individually wrapped pieces of "penny candy" and other confectionery of less than one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this part when the container in which such confectionery is shipped is in conformance with the labeling requirements of this part. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

* * * * *

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

Dated: July 2, 1969.

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

[F.R. Doc. 69-8120; Filed, July 9, 1969; 8:49 a.m.]

[21 CFR Part 15]

BONTRAE AND TEXTURED VEGETABLE PROTEIN

Withdrawal of Petitions and Termination of Proposed Rule Making

In the matter of establishing a definition and a standard of identity for a class of food vegetable protein products:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of October 13, 1967 (32 F.R. 14237), based on a petition for "bontrae" filed by General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440, and a petition for "textured vegetable protein" filed by Archer Daniels Midland Co., 733 Marquette Avenue, Box 532, Minneapolis, Minn. 55440. Notice is given that the petitioners have withdrawn their petitions and the rule-making proceeding in this matter is terminated. The withdrawal of these petitions is without prejudice to future filings.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 2, 1969.

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

[F.R. Doc. 69-8121; Filed, July 9, 1969; 8:49 a.m.]

[21 CFR Part 191]

TOY ROCKET PROPELLANT DEVICES

Proposed Exemption From Classification as Banned Hazardous Substance

The Commissioner of Food and Drugs has received requests from the National Association of Rocketry, 1239 Vermont Avenue NW., Washington, D.C. 20005, and Estes Industries, Box 227, Penrose, Colo. 81240, submitted pursuant to section 2(q)(1)(B)(i) of the Federal Hazardous Substances Act and § 191.62(c) of the regulations thereunder, to exempt the articles described below from classification as "banned hazardous substances," as defined by section 2(q)(1)(A) of the act, because the functional purpose of the articles requires inclusion of a hazardous substance, they bear labeling giving adequate directions and warnings for safe use, and are intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings.

Grounds given in support of the requested exemption are that the lack of availability of properly designed, commercially-made toy propellant devices may encourage use of makeshift substitutes with resulting serious accidental injury or death.

Accordingly, pursuant to the provisions of the act (sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304, 15 U.S.C. 1261) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 191.65(a) be amended by adding thereto two subparagraphs, as follows:

§ 191.65 Exemptions from classification as banned hazardous substances.

(a) * * *

(8) Model rocket propellant devices designed for use in lightweight, recoverable, and reflyable model rockets, provided such devices:

(i) Are designed to be ignited by electrical means.

(ii) Contain no more than 62.5 grams (2.2 ounces) of propellant material and produce less than 80 newton-seconds (17.92 pound seconds) of total impulse with thrust duration not less than 0.050 second.

(iii) Are constructed such that all the chemical ingredients are preloaded into a cylindrical paper or similarly constructed nonmetallic tube that will not fragment into sharp, hard pieces.

(iv) Are designed so that they will not burst under normal conditions of use, are incapable of spontaneous ignition, and do not contain any type of explosive or pyrotechnic warhead other than a small parachute or recovery-system activation charge.

(9) Separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines wherein all of the chemical ingredients are preloaded so the user does not handle any chemical ingredient and are so designed that the main casing or container does not rupture during operation.

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

Dated: June 30, 1969.

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

[F.R. Doc. 69-8122; Filed, July 9, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WAPATO INDIAN IRRIGATION PROJECT, WAPATO-SATUS UNIT, YAKIMA INDIAN RESERVATION, WASH.

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs in Secretary's Order 2508 (10 BIAM 2.1, section 15(a)), and by virtue of authority delegated by the Commissioner of Indian Affairs to Area Directors by 10 BIAM 3.1, notice is hereby given of the intention to modify § 221.86 *Charges*, of title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Wapato-Satus Unit, Yakima Indian Reservation, Wash., beginning with calendar year 1970 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a)(1) minimum charges for all tracts in noncontiguous single ownership from $8.65 to $9.30 and under paragraph (a)(2) from $8.65 to $9.30 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dale M. Baldwin, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oreg. 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 69-8068; Filed, July 9, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9702]

AIRWORTHINESS DIRECTIVE

Pilatus Model PC-6 Series Aircraft Serial Numbers 1 Through 723 and 2001 Through 2050

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to certain Pilatus PC-6 Series Aircraft. There have been reports that the rudder trim system cable has worked off the pulley located aft of the fuselage bulkhead No. 6. This situation could result in a jammed rudder trim system. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed airworthiness directive would require inspection for proper clearance between the pulley and the cable keeper.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 11, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PILATUS AIRCRAFT WORKS, INC. Applies to Model PC-6 Series Aircraft Serial Numbers 1 through 723 and 2001 through 2050.

Compliance required as indicated unless already accomplished.

To prevent the rudder trim control cable from coming off the pulleys aft of Bulkhead 6 (rear cabin wall), accomplish the following:

(a) Within the next 100 hours' time in service, inspect the clearance between the cable keeper and the cable pulleys aft of bulkhead 6 in accordance with Pilatus Service Bulletin No. 92, dated March 1969, or later Swiss Federal Air Office approved revision or an FAA approved equivalent.

(b) If the clearance between the keeper and the cable pulleys is found to be greater than 0.04 inch, replace the old cable keeper, P/N 6201.16, with a redesigned cable keeper, P/N 916.96.06.244 in accordance with Pilatus Service Bulletin No. 92, dated March 1969, or later Swiss Federal Air Office approved revision or an FAA approved equivalent.

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

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-8088; Filed, July 9, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 218]

[Docket No. 21080; EDR-166A]

LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Supplemental Notice of Proposed Rule Making

JULY 3, 1969.

The Board, by circulation of EDR-166, dated June 13, 1969, and by publication at 34 F.R. 9621, gave notice that it had under consideration adoption of a new Part 218. This regulation would apply to foreign air carriers and other persons not citizens of the United States who, as lessors, enter into so-called "wet leases" providing for the furnishing of aircraft and crew for the performance of foreign air transportation services of another foreign air carrier. Interested persons

were invited to participate in the proceeding through submission of twelve (12) copies of written data, views and arguments pertaining thereto to the Docket Section of the Board on or before July 21, 1969.

Counsel for several foreign air carriers state that the proposed regulation appears to raise important political, legal, and economic issues which will require intensive research before constructive comments can be formulated. Furthermore, counsel assert, the necessary coordination of comments with the head offices of the carriers will be complicated by vacations and involvement of the carriers in the peak travel season. Counsel request that the time for filing comments be extended to October 1, 1969.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the undersigned hereby extends the time for submitting comments to October 1, 1969.

All relevant communications received on or before October 1, 1969, will be considered by the Board before taking action on the proposed rules. Copies of these communications will be available for examination in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

(Sec. 204(a), Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 69-8143; Filed, July 9, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 18590; FCC 69-721]

RADIOLOCATION SERVICE AND SURVEY OPERATIONS

Allocation of Bands and Increase in Maximum Permitted Power

In the matter of amendment of Part 2 of the Commission's rules to provide for the allocation of the bands 3100–3600 MHz and 33.4–36 GHz to the radiolocation service on a secondary basis and an increase in the maximum permitted power in bands used for survey operations; docket No. 18590.

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

2. The frequency bands 3100–3600 MHz and 33.4–36 GHz are presently allocated primarily for Government operations. An existing footnote, US61, provides that non-Government access to the band 3300–3500 MHz is limited to the amateur service. Existing footnote US58 provides for the non-Government use of the band 10000–10500 MHz by the amateur and radiolocation services, on the condition that interference is not caused to Government stations, and that the power into the antenna for survey operations shall not exceed one watt. A reevaluation of Government requirements in these bands now permits a relaxation of the limitations presently imposed against the non-Government radiolocation service. Despite the relaxation to provide non-Government access to additional bands now used for Government survey operations, it should be noted that future planned use of the bands 3100–3600 MHz and 10000–10500 MHz may prove detrimental to low power survey operations. Accordingly, developers of new equipment in this field are urged to consider the band 33.4–36 GHz, and more particularly that portion between 33.4 and 35.6 GHz in the interest of international standardization, in preference to the two lower bands.

3. It is proposed herein to provide for non-Government radiolocation service access to the bands 3100–3600 MHz, 10,000–10,500 MHz and 33.4–36.0 GHz, on a secondary basis, for survey operations with a maximum permissible peak power of 5 watts into the antenna.

4. This proposed amendment is issued pursuant to authority contained in sections 303 (b), (c), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 12, 1969, and reply comments on or before August 22, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken 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.

6. 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: July 2, 1969.

Released: July 3, 1969.

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

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations is amended as follows:

1. In § 2.106, the *Table of Frequency Allocations*, is amended to read as follows in columns 5 through 11, with respect to the bands 3100–3300, 3300–3500, 3500–3600 Mc/s, 10,000–10,500 Mc/s and 33.4–38.6 Gc/s.

United States Federal Communications Commission

Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature (OF SERVICES (of stations	
5	6	7	8	9	10	11	
* * *	* * *	* * *	* * *	* * *	* * *	* * *	
3100-3300	G, NG. (369) (US45)/(US61) (US46)/(US #)	3100-3300	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.	
3300-3500	G, NG. (US61) (US #)	3300-3500	Amateur. Radiolocation.	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.	
3500-3600	G, NG. (US61)/(US #)	3500-3600	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.	
3600-3700	G.						
* * *	* * *	* * *	* * *	* * *	* * *	* * *	
10000-10500	G, NG. (401A) (US58) (US #)	10000-10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.	
* * *	* * *	* * *	* * *	* * *	* * *	* * *	
33.4-36	G, NG. (US100) (US #) (US ##)	33.4-36	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.	
36-38.6	G, (US100)						
* * *	* * *	* * *	* * *	* * *	* * *	* * *	

2. In § 2.106, U.S. Footnotes 58 and 61 are amended and 2 new U.S. Footnotes are added to read as follows:

US58 In the band 10,000–10,500 MHz, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10,000–10,025 MHz. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations as specified in footnote US —.

US61 Non-Government use of the band 3100–3600 MHz is limited to the radiolocation service, as specified in footnote US —, except in the band 3300–3500 MHz, where the amateur service is also authorized.

US — Survey operations using transmitters with a peak power not to exceed 5 watts into the antenna, may be authorized for Government and non-Government use on a secondary basis in the radiolocation service within the bands 3100–3600 MHz, 10,000–10,500 MHz and 33.4–36.0 GHz.

US — Non-Government use of the band 33.4–36.0 GHz is limited to the radiolocation service as specified in footnote US —.

[F.R. Doc. 69-8054; Filed, July 9, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

IMPORTED VINYL-CLAD CHAIN LINK FENCING

Notice of Tentative Ruling Regarding Country of Origin Marking

JULY 1, 1969.

The Bureau of Customs has recently caused an investigation to be made regarding the foreign country of origin marking of imported vinyl-clad chain link fencing. The investigation disclosed that such fencing is usually marked to indicate the country of origin by means of a large label or tag, on which the country of origin is prominently marked, attached to or extending from the end of each roll of fencing. However, the investigation also disclosed that such labels or tags frequently become detached or are removed prior to the delivery of the fencing to the ultimate purchaser in the United States or an installation of the fencing at the latter's premises.

Accordingly, the Bureau tentatively is of the opinion that imported vinyl-clad chain link fencing should be legibly and conspicuously marked as permanently as the nature of the article permits to indicate the country of origin to the ultimate purchaser in the United States, in order to meet the requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304). The imprinting of the required legend at intervals of not less frequency than approximately each 10 feet of length of rolled fencing, impressed into the vinyl covering, shall represent compliance with a standard of permanency sufficient for imports of this product. An acceptable alternative means of marking would be by pressure sensitive or other securely applied adhesive labels affixed to the fencing at intervals of not less frequency than approximately each 10 feet of length. There would be no objection to the continued use of the tags now being employed additionally to the specified marking requirements of this ruling.

Consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-8126; Filed, July 9, 1969; 8:49 a.m.]

[T.D. 69-162]

AIRCRAFT IN FOREIGN TRADE

Supplies and Equipment for Aircraft of Foreign Registry

JULY 3, 1969.

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of June 11, 1969, has advised the Treasury Department that except for ground equipment South Africa allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in South Africa and engaged in foreign trade effective as of the date of such notification.

The applicable provisions of §§ 10.59 to 10.65, Customs Regulations (19 CFR 10.59–10.65), shall be applied to withdrawals for these aircraft.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-8135; Filed, July 9, 1969; 8:50 a.m.]

Office of the Secretary

AMINOACETIC ACID (GLYCINE) FROM THE NETHERLANDS

Determination of Sales at Not Less Than Fair Value

JUNE 26, 1969.

On May 6, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Aminoacetic Acid (Glycine) from the Netherlands is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until June 5, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that Aminoacetic Acid (Glycine) from the Netherlands is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8127; Filed, July 9, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 2694]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 2, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 2694 for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2) but not the mineral leasing laws.

The applicant desires the land for the construction, operation and maintenance of the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, Calif.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Sec. 19, lots 19 and 20.

The above-described area contains approximately 70.20 acres in Placer County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-8069; Filed, July 9, 1969; 8:45 a.m.]

[C-2899, etc.]

COLORADO

Notice of Classification of Public Lands for Disposal

JUNE 30, 1969.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412) the public lands within the areas described below are hereby classified for disposal through public sale under section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171). The notices of proposed classification were published in 33 F.R. 8605 of June 12, 1968, 33 F.R. 8512 of June 8, 1968; and 33 F.R. 8351 and 8352 of June 5, 1968.

No protests were received and there has been no change in the classification.

SIXTH PRINCIPAL MERIDIAN, COLORADO

(C-2899)

SEDGWICK COUNTY

T. 11 N., R. 44 W.,
Sec. 30, lots 7 and 8.
T. 10 N., R. 47 W.,
Sec. 17, NE¼SW¼.

The area involved is approximately 77.80 acres of public land in Sedgwick County.

(C-2901)

LOGAN COUNTY

T. 10 N., R. 48 W.,
Sec. 22, NE¼SW¼, N½SE¼.
T. 10 N., R. 49 W.,
Sec. 34, NE¼SW¼.
T. 6 N., R. 52 W.,
Sec. 7, lot 4;
Sec. 20, E½NW¼.
T. 11 N., R. 53 W.,
Sec. 17, SE¼NE¼;
Sec. 27, E½NE¼, NW¼NW¼.
T. 10 N., R. 54 W.,
Sec. 14, SE¼SE¼.
T. 10 N., R. 55 W.,
Sec. 21, SW¼SW¼.
T. 11 N., R. 55 W.,
Sec. 4, SE¼SE¼;
Sec. 8, SW¼NW¼, NW¼SW¼;
Sec. 20, SW¼SW¼.

The area involved is approximately 676 acres of public land in Logan County.

(C-2902)

MORGAN COUNTY

T. 2 N., R. 56 W.,
Sec. 22, SE¼SE¼.
T. 5 N., R. 57 W.,
Sec. 19, NE¼NE¼.
T. 2 N., R. 58 W.,
Sec. 1, SW¼SE¼.
T. 5 N., R. 58 W.,
Sec. 22, SW¼SW¼;
Sec. 23, E½SE¼;
Sec. 27, NW¼NE¼, NE¼NW¼.
T. 6 N., R. 58 W.,
Sec. 26, NE¼SE¼.
T. 2 N., R. 59 W.,
Sec. 17, NE¼NE¼.
T. 3 N., R. 59 W.,
Sec. 31, NE¼SE¼.
T. 1 N., R. 60 W.,
Sec. 24, NW¼SE¼.
T. 5 N., R. 60 W.,
Sec. 12, NE¼SW¼.

The area involved is approximately 520 acres of public land in Morgan County.

(C-2905)

YUMA COUNTY

T. 3 S., R. 42 W.,
Sec. 22, lot 3.
T. 5 S., R. 44 W.,
Sec. 22, lot 30;
Sec. 23, lot 25;
Sec. 28, lot 13;
Sec. 31, lot 16;
Sec. 32, lot 3.
T. 5 S., R. 45 W.,
Sec. 27, lots 12 and 13;
Sec. 31, lot 14;
Sec. 32, SW¼NE¼, SW¼SW¼.
T. 1 S., R. 46 W.,
Sec. 27, lots 13 and 16.
T. 4 S., R. 46 W.,
Sec. 5, lot 1.
T. 3 N., R. 43 W.,
Sec. 24, NE¼NE¼;
Sec. 25, NE¼SE¼.

The area described aggregates approximately 377.31 acres of public land in Yuma County.

(C-2906)

WASHINGTON COUNTY

T. 3 S., R. 50 W.,
Sec. 21, SW¼NE¼;
Sec. 23, SE¼NW¼, E½SW¼.
T. 5 N., R. 54 W.,
Sec. 6, lots 6 and 7.

The described land aggregates approximately 243.45 acres of public land in Washington County.

(C-2909)

DOUGLAS COUNTY

T. 9 S., R. 68 W.,
Sec. 28, NW¼NE¼.

The area described aggregates approximately 40 acres of public land in Douglas County.

(C-2910)

ELBERT COUNTY

T. 6 S., R. 57 W.,
Sec. 24, SE¼SE¼.
T. 13 S., R. 57 W.,
Sec. 27, SE¼SE¼.
T. 6 S., R. 58 W.,
Sec. 6, lot 4.
T. 13 S., R. 58 W.,
Sec. 26, NW¼SW¼.
T. 7 S., R. 62 W.,
Sec. 30, N½ of lot 2.
T. 8 S., R. 62 W.,
Sec. 14, NW¼NE¼.

The area involves approximately 266.83 acres of public land in Elbert County.

(C-2911)

KIT CARSON COUNTY

T. 5½ S., R. 44 W.,
Sec. 32, SE¼SW¼.
T. 6 S., R. 44 W.,
Sec. 6, lot 1;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼NE¼.
T. 11 S., R. 44 W.,
Sec. 5, lot 3.

The area described aggregates approximately 173.22 acres of public land in Kit Carson County.

The total area involved in this proposal aggregates approximately 2,374.61 acres of public land.

3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8070; Filed, July 9, 1969; 8:45 a.m.]

[Colo. 3357]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the lands described below were classified for multiple-use management by classification appearing in the FEDERAL REGISTER of March 26, 1968, at page 4998. It has been determined that these lands should be further segregated to protect public recreational values therein. Publication of this notice has the effect of further segregating the described lands from all forms of appropriation under the public land laws including the United States mining laws (30 U.S.C. Ch. 2) but not the mineral leasing laws.

2. No adverse comments were received following publication of a notice of proposed classification (34 F.R. 5082) as amended (34 F.R. 6336).

HINSDALE AND SAGUACHE COUNTIES
NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Powderhorn Lakes Site

T. 45 N., R. 3 W.,
Sec. 23, lots 9 and 10.

Cochetopa Creek

T. 47 N., R. 2 E.,

Those lands within 300 feet of either side of Cochetopa Creek within sec. 17.

The areas described contain approximately 114 acres.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8071; Filed, July 9, 1969; 8:45 a.m.]

[C-2649]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

JULY 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the lands described below were classified for multiple-use management by classification appearing in the FEDERAL REGISTER of April 17, 1968, at page 5894.

This classification segregated these lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the revised statutes (43 U.S.C. 1171). It has been determined that the land described below should be further segregated to protect public recreational values therein. Accordingly, publication of this notice has the effect of further segregating the described lands from all forms of appropriation under the public land laws including the U.S. mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws.

2. The public lands are shown on a map on file in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo. 81601 and in the Land Office, Bureau of Land Management, 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

EAGLE COUNTY

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 84 W.,
Sec. 8, SW¼SW¼.
T. 3 S., R. 85 W.,
Sec. 7, N½NE¼.
T. 4 S., R. 86 W.,
Sec. 18, lot 14.

For a period of 60 days from the date of publication in the FEDERAL REGISTER, all persons who wish to submit comments or suggestions in connection with the proposed classification may present their views in writing to the Glenwood Springs District Manager, Bureau of Land Management, Post Office Box 1009, Glenwood Springs, Colo. 81601.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8072; Filed, July 9, 1969; 8:45 a.m.]

[Serial No. I-2448]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 2, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect (a) of segregating all of the public lands within the described area below from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 4 of this notice from the operation of the general mining laws (30 U.S.C., Ch. 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments were received during the 60 days following publication of the Notice of Proposed Classification (33 F.R. 15351). Comments were also received at the public hearing of October 30, 1968, at Dubois, Idaho. All comments concerning the proposed classification have been considered and carefully evaluated. Two tracts of land, SE¼SE¼, sec. 17, and NW¼SW¼, sec. 21, T. 10 N., R. 33 E., Boise Meridian, in the notice of proposed classification are not included in this notice of classification. The segregative effect of the notice of proposed classification was canceled by publication of a notice of termination of proposed classification (34 F.R. 2139) as to these two tracts.

The record showing the comments received and other information is on file and can be examined in either the Idaho Falls District Office, Idaho Falls, Idaho, or the Idaho Land Office, Boise, Idaho.

3. The public lands affected by this classification are located within the following-described areas in Clark County and are shown on maps on file in the Idaho Falls District Office, Idaho Falls, Idaho, and the Idaho Land Office, Boise, Idaho:

BOISE MERIDIAN, IDAHO

CLARK COUNTY

T. 9 N., R. 29 E.,
Secs. 1 through 3, inclusive;
Sec. 10, N½;
Sec. 11, N½;
Secs. 12, 13, 24, 25, and 36.
T. 10 N., R. 29 E.,
Secs. 1 through 3, inclusive;
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 8 N., R. 30 E.,
Secs. 1 through 23, inclusive;
Secs. 26 through 28, inclusive;
Sec. 29, E½;
Sec. 32, NE¼;
Secs. 33 through 35, inclusive.
T. 9 N., R. 30 E.,
Secs. 2 through 11, inclusive;
Secs 13 through 36, inclusive.
T. 10 N., R. 30 E.,
Secs. 5 through 8, inclusive;
Secs. 17 through 20, inclusive;
Secs. 29 through 33, inclusive.
T. 8 N., R. 31 E.,
Secs. 1 through 18, inclusive.
T. 9 N., R. 31 E.,
Secs. 22 and 23;
Secs. 25 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 9 N., R. 32 E.,
Secs. 1 through 3, inclusive;
Sec. 4, E½;
Secs. 10 through 14, inclusive;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 through 26, inclusive;
Sec. 27, E½;
Secs. 30 through 36, inclusive.
T. 10 N., R. 32 E.,
Secs. 1 through 4, inclusive;
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Sec. 33, E½;
Secs. 34 through 36, inclusive.
T. 11 N., R. 32 E.,
Sec. 1, E½;
Sec. 12, NE¼;
Secs. 25 through 27, inclusive;
Secs. 33 through 36, inclusive.
T. 12 N., R. 32 E.,
Secs. 1 through 3, inclusive;
Secs. 10 through 13, inclusive;
Secs. 24 and 25;
Sec. 36.
T. 13 N., R. 32 E.,
Secs. 13 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 9 N., R. 33 E.,
Secs. 1 through 11, inclusive;
Secs. 14 through 23, inclusive;
Secs. 26 through 35, inclusive.
T. 10 N., R. 33 E.,
Secs. 1 through 15, inclusive;
Sec. 17, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 18 and 19;
Sec. 20, W½, W½SE¼;
Sec. 21, N½, E½SW¼, SE¼;
Secs. 22 through 35, inclusive.
T. 11 N., R. 33 E.,
All.
T. 12 N., R. 33 E.,
All.
T. 13 N., R. 33 E.,
Secs. 13 through 36, inclusive.
T. 9 N., R. 34 E.,
Sec. 4, N½N½;
Sec. 5, N½N½;
Sec. 6;
Sec. 11, S½;
Sec. 12, S½;
Secs. 13 and 14;
Sec. 22, SE¼SW¼ and SE¼;
Secs. 23 through 26, inclusive;
Sec. 27, E½ and E½W½;
Secs. 33 through 36, inclusive.
T. 10 N., R. 34 E.,
Secs. 1 through 33, inclusive.
T. 11 N., R. 34 E.,
Secs. 2 through 11, inclusive;
Secs. 16 through 21, inclusive;
Secs. 28 through 33, inclusive.
T. 12 N., R. 34 E.,
All.
T. 9 N., R. 35 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 7, S½;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, NE¼ and S½;
Secs. 11 through 36, inclusive.
T. 10 N., R. 35 E.,
Secs. 11 through 14, inclusive;
Sec. 21, E½ and E½W½;
Secs. 22 through 27, inclusive;
Sec. 28, E½ and E½W½;
Sec. 33, N½NE¼ and NE¼NW¼;
Sec. 34, E½ and N½NW¼;
Secs. 35 and 36.
T. 11 N., R. 35 E.,
Secs. 1 through 4, inclusive;
Sec. 5, E½E½;
Sec. 10, N½;
Sec. 11, N½.
T. 12 N., R. 35 E.,
Secs. 19 through 36, inclusive.

T. 9 N., R. 36 E.,
Sec. 2, W½;
Sec. 3;
Sec. 4, E½;
Secs. 6, 7, and 10;
Sec. 11, W½;
Sec. 14, W½;
Secs. 15, 18, 19, and 22;
Sec. 23, W½;
Sec. 27, W½;
Sec. 28;
Secs. 30 through 32, inclusive;
Sec. 33, N½;
Sec. 34, NW¼.
T. 10 N., R. 36 E.,
Sec. 10, E½ and E½W½;
Secs. 13 and 14;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 through 26, inclusive;
Sec. 27, E½.
T. 11 N., R. 36 E.,
Secs. 5 and 6.
T. 12 N., R. 36 E.,
Secs. 19 through 23, inclusive;
Secs. 26 through 35, inclusive.
T. 9 N., R. 37 E.,
Sec. 1, S½S½;
Sec. 2, S½S½;
Sec. 3, S½S½;
Secs. 10 through 36, inclusive.
T. 10 N., R. 37 E.,
Sec. 1, NW¼NE¼ and N½NW¼;
Sec. 2, N½ and SW¼;
Secs. 3 through 5, inclusive;
Secs. 8 through 10, inclusive;
Sec. 11, W½;
Sec. 14, W½;
Secs. 15 through 21, inclusive;
Secs. 28 through 32, inclusive.
T. 10 N., R. 38 E.,
Secs. 11 through 16, inclusive;
Secs. 21 through 28, inclusive;
Secs. 33 through 36, inclusive.
T. 11 N., R. 38 E.,
Secs. 3 and 4;
Sec. 9, N½;
Sec. 10, N½.
T. 12 N., R. 38 E.,
Sec. 2, S½;
Sec. 8, S½;
Secs. 9 through 11, inclusive;
Sec. 14, N½;
Sec. 15, N½;
Secs. 16 and 17;
Sec. 20, N½;
Sec. 21, N½;
Sec. 26, SW¼SW¼;
Sec. 27, S½ and S½N½;
Secs. 33 and 34.
T. 10 N., R. 39 E.,
Sec. 8, E½E½;
Sec. 9;
Secs. 16 through 18, inclusive.

The area described aggregates approximately 301,300 acres.

4. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

PASS CREEK RECREATION SITE

T. 9 N., R. 29 E.,
Sec. 3, SW¼SW¼.

RENO DIVERSION SITE

T. 8 N., R. 30 E.,
Sec. 3, S½NE¼, N½SE¼.

JOHN DAY RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 5, lots 2 and 3, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, SW¼NW¼, W½SW¼, SE¼SW¼.

SCOTT BUTTE RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 21, E½E½.

BIRCH CREEK CROSSING RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 27, SW¼NW¼, NW¼SW¼;
Sec. 28, SE¼NE¼, NE¼SE¼.

RENO DITCH RECREATION SITE

T. 8 N., R. 31 E.,
Sec. 7, SE¼SE¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.

WARM SPRINGS ARCHEOLOGICAL SITE

T. 11 N., R. 32 E.,
Sec. 25, E½NE¼.

MEDICINE LODGE RECREATION SITE NO. 1

T. 11 N., R. 33 E.,
Sec. 2, lot 4 and SW¼NW¼;
Sec. 3, lot 1 and SE¼NE¼.

HORSE PASTURE RECREATION SITE

T. 11 N., R. 33 E.,
Sec. 12, NW¼NE¼.

SPRING HOLLOW ARCHEOLOGICAL SITE

T. 12 N., R. 33 E.,
Sec. 22, NE¼NW¼.

MEDICINE LODGE RECREATION SITE NO. 2

T. 11 N., R. 34 E.,
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.

PATELZICK CREEK RECREATION SITE NO. 1

T. 12 N., R. 35 E.,
Sec. 24, SE¼NE¼NE¼, NE¼SE¼NE¼.
T. 12 N., R. 36 E.,
Sec. 19, SW¼NW¼NW¼, NW¼SW¼NW¼.

PATELZICK CREEK RECREATION SITE NO. 2

T. 12 N., R. 36 E.,
Sec. 19, NE¼SW¼.

These areas aggregate 1,644.84 acres.

5. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

JOE T. FALLINI,
State Director.

[F.R. Doc. 69-8073; Filed, July 9, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DOMESTIC BEET SUGAR PRODUCING AREA

1970 Crop Proportionate Shares

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1970 crop of sugarbeets in the Domestic Beet Sugar Area. Also, for use by the Secretary if he determines that proportionate shares are needed, views and recommendations are desired on all phases of the proportionate share program, including the level of the National Sugarbeet Acreage Requirement.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132(b)), the Secretary must determine for each crop year whether the production of sugar from any crop of sugarbeets will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted in the Hotel Canterbury, 750 Sutter Street, San Francisco, Calif., beginning at 10 a.m. on July 23, 1969.

Proportionate shares are not in effect for the current crop and were not in effect for either the 1967 or 1968 crops of sugarbeets. Latest estimates indicate that sugar production from 1968-crop acreage of about 1,495,000 will total approximately 3,502,000 short tons, raw value. Latest industry estimates indicate that 1969-crop acreage planted or to be planted will total about 1,650,000.

Views and recommendations on the need for establishing proportionate shares and the details of the program may be presented orally at the hearing, preferably supported in writing by an original and two copies of the oral statement. Views and recommendations may also be submitted in writing (original and two copies) at the hearing without an oral presentation or they may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than August 15, 1969.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 2, 1969.

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

[F.R. Doc. 69-8140; Filed, July 9, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

JOHNS HOPKINS UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00452–00–46040. Applicant: Johns Hopkins University, Purchasing Department, Baltimore, Md. 21218. Article: Conversion kit for electron gun (Siemens). Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to convert the fixed high-voltage electron-gun cable of an existing electron microscope to a plug connection. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorly imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope with which the foreign article is intended to be used.

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

[F.R. Doc. 69–8091; Filed, July 9, 1969; 8:47 a.m.]

NORTHEASTERN UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00335–65–46040. Applicant: Northeastern University, 360 Huntington Avenue, Boston, Mass. 02115. Article: Electron microscope, Model JEM–120. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in a wide range of research and teaching programs in materials science. The graduate research programs will have as their scientific objectives a detailed and quantitative understanding of the role of structure on the following phenomena: (1) Deformation characteristics of single and two-phase materials, (2) fracture at high temperature and pressure, (3) precipitation and phase transformations in alloys, (4) interaction among point defects, (5) electrical and optical properties of metallic, semiconducting, and insulating thin films. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 120 kilovolts. The most closely comparable domestic electron microscope is the Model EMU–4B manufactured by the Radio Corporation of America (RCA). The RCA Model EMU–4B has a maximum accelerating voltage of 100 kilovolts. The higher accelerating voltage affords more penetrating power for the electron beam, which is necessary in investigating the properties of thicker specimens and, therefore, is pertinent for the purposes for which the foreign article is intended to be used.

For these reasons, we find that the RCA EMU–4B electron microscope is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 69–8092; Filed, July 9, 1969; 8:47 a.m.]

STANFORD UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00578–00–10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorly imported from the same foreign source from which the parts have been purchased. The Department of Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

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

[F.R. Doc. 69–8093; Filed, July 9, 1969; 8:47 a.m.]

STANFORD UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00579–00–10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorly imported from the same foreign source from which the parts have been purchased. The Department of

Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

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

[F.R. Doc. 69-8094; Filed, July 9, 1969; 8:47 a.m.]

STANFORD UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00580-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorily imported from the same foreign source from which the parts have been purchased. The Department of Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

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

[F.R. Doc. 69-8095; Filed, July 9, 1969; 8:47 a.m.]

STATE UNIVERSITY OF NEW YORK

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00349-00-87200. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Tandem Voltage regulator, Model TVS-11. Manufacturer: Elron Electronic Industries, Ltd., Israel. Intended use of article: The article will be used for readjusting terminal voltage of the electrostatic voltage producing machine during research and graduate study. Comments: No comments received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a tandem voltage regulator with the capability of stabilizing the terminal voltage of a Van de Graaff Accelerator in the applicant's possession without the necessity of modifying the existing accelerator.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 15, 1969, that the only known comparable domestic instrument, the Model 9024 Slit Feedback System manufactured by Varian Associates (Varian), Palo Alto, Calif., would require considerable modification of the existing accelerator. We therefore find that the Varian Model 9024 Slit Feedback System is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

[F.R. Doc. 69-8096; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF ILLINOIS

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00337-98-77030. Applicant: University of Illinois at Chicago, Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Nuclear magnetic resonance pulse spectrometer, pulse gated integrater, and liquid helium probe head, Model B-KR 322 S. Manufacturer: Bruker, West Germany. Intended use of article: The article will be used to produce the requisite train of pulses to insure saturation in the study of magnetic alloys at high and low temperatures. Previous studies on the magnetic alloys of rate earths with hydrogen have shown that microscopic information on magnetization distribution in the paramagnetic state can be obtained by using steady state nuclear magnetic resonance techniques. The application of pulse NMR techniques (using the hydrogen (proton) nucleus and in some cases the rare earth nucleus) can be even more fruitful. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a nuclear magnetic pulse spectrometer which has the capabilities of a frequency crystal controlled with a stability of one part in one hundred million (10^8) and a frequency range variable in 20 kilohertz steps over a 4 to 62 megahertz range. We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 25, 1969, that the capabilities of a frequency crystal controlled with a stability of one part in one hundred million and a frequency range variable in 20 kilohertz steps over a range of 4 to 62 megahertz are both pertinent characteristics. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

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

[F.R. Doc. 69-8097; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF ILLINOIS

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review

during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00574-00-46040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Accessories to an electron microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an attachment to an existing electron microscope to improve the quality of the electron micrographs obtained in studies concerning plant viruses, bacterial spores, Drosophilia eggs, and lipid absorption of the jejunum. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorily imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope with which the foreign article is intended to be used.

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

[F.R. Doc. 69-8098; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF MISSOURI

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00582-00-46040. Applicant: University of Missouri, Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Wide angle tilting device, Model HK-3A. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used as an attachment to an existing electron microscope, Model HU-11A, to study defects in high purity aluminum specimens. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorly imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope which the foreign article is intended to be used.

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

[F.R. Doc. 69-8099; Filed, July 9, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 19047, 21163; Order 69-7-28]

TRANSCONTINENTAL BUS SYSTEM, INC., ET AL.

Order Regarding Family Fare Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington D.C., on the 3d day of July 1969.

Family fare tariffs complaint of Transcontinental Bus System, Inc., Docket No. 19047; investigation of currently effective family fare tariffs, Docket No. 21163.

On June 13, 1969 the U.S. Court of Appeals for the First Circuit set aside our decision in this proceeding (Order E-26431, February 29, 1968) insofar as it dismissed the complaint of Transcontinental Bus System, Inc. against the effective family fare tariffs of 28 air carriers without conducting an investigation of whether such tariffs were unreasonable and unjustly discriminatory. Trailways of New England, et al. v. Civil Aeronautics Board, C.A. 1, Nos. 7112 and 7162. The Court concluded that "petitioners are entitled to the investigation sought in the complaint," and remanded the case to the Board for further proceedings consistent with its opinion.

In order to comply with the judgment of the Court, we shall vacate our earlier order and direct the institution of an investigation of the presently effective family fare tariffs of the various air carriers.

Accordingly, pursuant to the judgment of the U.S. Court of Appeals for the First Circuit, and pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof:

It is ordered, That:

1. Order E-26431, adopted February 29, 1968, be and the same hereby is vacated.

2. An investigation be instituted under Docket 21163 to determine whether the fares and provisions described in Appendix A hereto,[1] including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such fares and provisions are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations or practices affecting such fares and provisions.

3. Copies of this order be served upon Trailways of New England, Inc., Transcontinental Bus System, Inc., Air West, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Apache Airlines, Inc., Aspen Airways, Inc., Braniff Airways, Inc., Cape and Island Flight Service, Inc., Combs Airways, Inc., Command Airways, Inc., Continental Airlines, Inc., Crown Airways, Inc., Delta Air Lines, Inc., Downeast Airlines, Inc., Eastern Air Lines, Inc., Executive Airlines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Henson Aviation, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Pennsylvania Commuter Airlines (Division of L. B. Smith Aircraft Corp. of Pa.), Piedmont Aviation, Inc., Pocono Airlines, Inc., Ransome Air, Inc., doing business as Ransome Airlines, Sedalia, Marshall, Boonville Stage Line, Inc., Southern Airways, Inc., Trans Caribbean Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Vercoa Air Service, Inc., Western Air Lines, Inc., and they are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-8144; Filed, July 9, 1969; 8:50 a.m.]

[Docket No. 21162; Order 69-7-32]

OHIO/INDIANA POINTS NONSTOP SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1969.

For the reasons set forth below, the Board has decided to institute a proceeding designated as the Ohio/Indiana Points Nonstop Service Investigation. The investigation will focus on the need for first competitive nonstop service between Cincinnati, Columbus, Dayton, and Indianapolis, on the one hand, and Philadelphia and Los Angeles, on the other hand. We will also consider whether one or more additional carriers should be authorized to operate nonstop between Indianapolis, on the one hand, and Cleveland and Pittsburgh, on the other hand. The Ohio-Indiana points in issue are among the largest in their respective states. Each of the above 10 markets is a TWA monopoly nonstop market, and

[1] Filed as part of the original document.

experienced traffic in each has been relatively heavy, ranging from almost 36,000 passengers to about 66,000 passengers in 1967. We conclude, therefore, that these circumstances warrant consideration of the need for competitive nonstop authority.

In order to limit the size and complexity of the investigation, we shall impose a pretrial restriction requiring that any new certificate authority awarded pursuant to this proceeding shall be in the form of a new segment instead of an addition to an existing segment, and that each new segment shall be limited to one of the 10 markets.

There are presently on file applications from carriers in part requesting authority which would be at issue in the investigation as hereinabove described. Rather than severing out portions of these applications for consolidation, sua sponte, we shall await the filing of new motions seeking consolidation of applications or parts thereof which are within the scope of the investigation.[1]

Interested applicants, of course, may file amended or additional applications consistent with the scope of the investigation within the time for filing as hereinafter established. However, in the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the authority sought in this proceeding. This procedure will obviate the confusion resulting from the consolidation of several separately-filed applications or portions thereof and will assist the parties, the Examiner, and the Board in analyzing and considering the precise proposals of each applicant.

Accordingly, it is ordered, That:

1. An investigation designated as the Ohio/Indiana Points Nonstop Service Investigation, be and it hereby is instituted in Docket 21162 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or modification of any air carrier certificates so as to authorize competitive nonstop service in the following markets:

Philadelphia-Cincinnati
Philadelphia-Columbus
Philadelphia-Dayton
Philadelphia-Indianapolis
Los Angeles-Cincinnati
Los Angeles-Columbus
Los Angeles-Dayton
Los Angeles-Indianapolis
Indianapolis-Pittsburgh
Indianapolis-Cleveland

2. Any authority awarded herein shall be without subsidy eligibility and shall be in the form of a separate segment;

3. Motions to consolidate, applications, and motions or petitions seeking modifications or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

4. This proceeding shall be set for hearing at a time and place to be hereafter designated; and

5. A copy of this order shall be served upon the State of California, State of Indiana, State of Ohio, State of Pennsylvania; the cities of Cincinnati, Cleveland, Columbus, Dayton, Indianapolis, Los Angeles, Philadelphia, and Pittsburgh; Air West, Inc., Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8145; Filed, July 9, 1969; 8:51 a.m.]

[Docket No. 21169; Order 69-7-36]

TIME PAYMENT PLAN TARIFF

Order of Investigation

Revisions to the time payment plan tariff proposed by 11 U.S. carriers and one Canadian carrier.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1969.

By tariff revisions[1] filed May 29, 1969, and marked to become effective July 1, 1969, 11 U.S. carriers[2] and one Canadian carrier[3] propose certain revisions in their deferred payment charges associated with their time payment plan. In addition, Eastern is proposing to become a participant in the tariff for the first time. The revised charges generally involve (a) an increase in minimum charges from $5 to $10; (b) an increase in interest charges from approximately 18 percent to 24 percent per annum for unpaid balances of $2,000 or less; and (c) a decrease in annual interest charges from approximately 18 percent to about 17 percent for unpaid balances of $3,000 to $5,000, with interest rates decreasing gradually for balances between $2,000 and $3,000.

No complaints have been filed.

Upon consideration of all relevant matters, the Board finds that the carriers' proposed increases in deferred payment charges related to the time payment plan may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

The carriers' proposal involves raising the deferred payment charges by amounts ranging between 33 percent and 100 percent of present charges. An increase in charges of this magnitude must be justified by an adequate showing that the current charges are not economic and that the proposed charges are not excessive in the light of costs and/or other factors. However, no explanation of the revised charges or statements supporting the proposed tariff revisions have been provided.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the charges and provisions described in Appendix A attached hereto,[4] including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such charges and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. This investigation be assigned for hearing before an examiner of the Board at a time and place to be hereafter designated; and

3. A copy of this order shall be served on Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Air Lines, Ltd., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines,

[1] Allegheny has filed a Subpart M application, Docket 20085, requesting Philadelphia - Columbus/Dayton/Indianapolis nonstop authority. Allegheny's application is being dismissed by Order 69-7-33 issued contemporaneously herewith, so that the needs of the Philadelphia-Ohio/Indiana points markets may be considered in the single proceeding instituted herein focusing on first competitive east-west nonstop service for the Ohio/Indiana points. For the same reason, we are also dismissing by Order 69-7-34 issued contemporaneously herewith, American's Subpart N applications, Dockets 20892 and 20893, requesting Indianapolis-Los Angeles nonstop authority and Cincinnati-Los Angeles nonstop authority, respectively, United's application, Docket 20127, requesting, inter alia, Columbus/Dayton-Los Angeles/Philadelphia nonstop authority and Delta's application, Docket 18499, requesting, inter alia, Dayton/Indianapolis-Los Angeles nonstop authority are also being dismissed by Order 69-7-35 issued contemporaneously herewith, for the reasons set forth in that order.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 116.

[2] The U.S. carriers participating in this tariff are: Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines, Inc.

[3] The one Canadian carrier participating in this tariff is Canadian Pacific Air Lines, Ltd.

[4] Filed as part of the original document.

Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[*]

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

[F.R. Doc. 69-8146; Filed, July 9, 1969; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC COAST EUROPEAN CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. David Lindstedt, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 5200-27 between the member lines of the Pacific Coast European Conference deletes from the basic agreement the present requirement for payment of $12,500 by a carrier seeking readmission to conference membership within a period of 3 years from the date of resignation or expulsion therefrom.

Dated: July 7, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8128; Filed, July 9, 1969; 8:49 a.m.]

PACIFIC WESTBOUND CONFERENCE ET AL.

Agreements Filed Pursuant to Commission Decision; Clarification

Notice is hereby given that in the notice of publication with respect to the subject agreements appearing in the FEDERAL REGISTER, Volume 34, No. 128, Friday, July 4, 1969, the caption appearing on page 11282 should read "Notice of Agreements Filed Pursuant to Commission Decision", and the line immediately preceding the name of counsel appearing on page 11283 should read "Notice of Agreements Filed By".

This notice of clarification is not intended to change the due date of comments which may be submitted with reference to the subject agreements.

Dated: July 8, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8196; Filed, July 9, 1969; 8:51 a.m.]

[*] Concurring and dissenting statement of Vice Chairman Murphy and Member Minetti filed as part of the original document.

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

JULY 2, 1969.

Pursuant to docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of DOT Special Permits upon which Board action was completed during June 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
AA208	ASM Enterprises, Incorporated, for the use of U-69 type cargo tanks in liquefied petroleum gas service.	Highway.
5935	Wacker Chemical Corporation, for the shipment of silicon chloride in a non-DOT specification reusable stainless steel cylindrical container of not over 5½ gallons capacity.	Water and highway.
5943	U.S. Atomic Energy Commission and the Department of Defense for the shipment of large quantities of nongamma radioactive material in the Sandia Corporation Model No. AL-84 Shipping Container.	Cargo-only and passenger-carrying aircraft, highway, and rail.
5975	Shippers upon specific registration with this Board, for the shipment of special form fissile radioactive materials in the Schlumberger Well Services Model NLS-L or NLS-M Logging Tool, within a carrier shield and DOT-15A wooden box or equivalent.	Cargo-only and passenger-carrying aircraft, highway, and rail.
5981	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in the NERVA Fuel Element Shipping Container.	Cargo-only aircraft, highway, and rail.
5982	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in the TRIGA Fuel Element (unirradiated) Shipping Container.	Water, cargo-only, and passenger-carrying aircraft, highway, and rail.
5983	Nuclear Fuel Services, Inc., for the shipment of low specific activity radioactive material in sealed inner metal cans, overpacked in DOT-17C, 17H, or 37A 5-gallon packagings.	Water, highway and rail.
5989	Shippers upon specific registration with this Board, for the shipment of rubber buffings in DOT-44P plastic bags.	Highway and rail.
5993	Fresno Oxygen and Welding Suppliers, Inc., for the shipment of oxygen, argon, nitrogen, helium, compressed air, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
5995	Chemetron Noury Corp., for the shipment of certain benzoyl peroxide pastes in a single-trip, open-head, molded polyethylene container without overpack.	Highway and rail.
5996	Power-Pak Products, Inc., for the shipment of a dry powder fire extinguisher incorporating a non-DOT specification seamless aluminum cylinder.	Water, highway, and rail.
5998	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the General Electric Corp., Model 400, 500, 900, 1000, 1100, or 1400 Shielded Container.	Water, cargo-only aircraft, highway, and rail.
6001	Shippers upon specific registration with this Board, for the shipment of fissile radioactive material in the modified DOT-6L Model AX-20030.	Highway.
6002	Shippers upon specific registration with this Board, for the shipment of fissile radioactive material in the Model S3W/S4W New Subassembly Shipping Container.	Cargo-only aircraft, highway, and rail.
6003	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive material in the M-130 Standardized Spent Fuel Shipping Container.	Water, highway, and rail.
6006	Shippers upon specific registration with this Board, for the shipment of liquid cleaning compounds containing not more than 30 percent hydrofluoric acid, in DOT-37M/28L cylindrical steel packagings.	Highway and rail.
6009	Stauffer Chemical Co., for the shipment of ethyl chlorothiolformate in DOT-51 portable tanks.	Water, highway, and rail.
6010	Lee S. Wolfe & Co., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6011	Mitsubishi International Corp., for one shipment of special form fissile radioactive material in Mitsubishi Atomic Power Industries cylindrical steel packages.	Cargo-only aircraft.
6012	Shippers upon specific registration with this Board, for the shipment of type B quantities of special form radioactive materials in the French Model No. GN 120 (BZ 150B) Packaging.	Cargo-only aircraft and highway.
6013	Walter Kidde & Co., Inc., for the shipment of helium in a device consisting of a high pressure non-DOT specification welded cylinder.	Cargo-only aircraft, highway, and rail.
6014	Shippers upon specific registration with this Board, for the shipment of corrosive liquids (which must be identified to the Board), in non-DOT specification cylinders conforming with DOT-4B, 4BA, or 4BW except for DOT specification marking.	Highway and rail.
6015	Alabama Oxygen Co., Inc., for the shipment of oxygen, nitrogen, argon, helium, compressed air, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6016	Air Reduction Co., Inc., for the shipment of liquefied oxygen, nitrogen, or argon in modified Airco VE-500 and VE-800 cryogenic portable tanks.	Highway.
6017	Mason & Hanger-Silas Mason Co., for one shipment of bulk quantities of trinitrotoluene in special cylindrical tank-type devices.	Highway.
6018	Monsanto Co., for the shipment of anhydrous ammonia in proposed DOT Specification 120A300W tank car tanks.	Rail.
6019	Shippers upon specific registration with this Board, for the shipment of propylene, butadiene, and other compressed gases authorized in DOT-112A series tank car tanks, in DOT-112A400W tank car tanks which may be designed to E=1.0 under 49 CFR 179.100-6 and which may be constructed of AAR Specification M-128-B steel.	Rail.
6020	H.M.H. Corporation, for the shipment of a dichlorodifluoromethane powered fire alarm unit.	Highway and rail.

Special permit No.	Issued to—Subject	Mode or modes of transportation
6021	U.S. Atomic Energy Commission for the shipment of tritiated heavy water in DOT-5B or 42B drums overpacked in special outer containers.	Highway.
6034	Shippers upon specific registration with this Board, for the shipment of propylene oxide in DOT-105A200W tank car tanks which may be designed on the basis of E=1.0 under § 179.100-6, and which may be fabricated from ASTM A-515 Grade 70 steel.	Rail.

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69-8125; Filed, July 9, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JULY 3, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. 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 exchanges 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 the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8074; Filed, July 9, 1969; 8:45 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JULY 3, 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 Capitol Holding Corp. 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 July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8075; Filed, July 9, 1969; 8:45 a.m.]

[812-2448]

DIKEWOOD FUND, INC.

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

JULY 3, 1969.

Notice is hereby given that the Dikewood Fund, Inc. ("Applicant"), 1009 Bradbury Drive SE., Albuquerque, N. Mex. 87106, an open-end, nondiversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has applied pursuant to section 6(c) of the Act for an order exempting Applicant from Rule 22c-1 of the rules and regulations under the Act to the extent that said rule requires that shares of Applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant presently offers its shares for sale only on the last trading day of each week on the New York Stock Exchange. The shares are valued on the basis of closing prices on that day. All orders received during the week are executed at these closing prices, but may be canceled or withdrawn by the investor at any time prior to execution.

As of December 31, 1968, applicant had 183 shareholders and net assets of approximately $353,000. From August 1968, when shares of Applicant were first offered to the public, to the end of 1968, 189 separate orders for the purchase of Applicant's shares were executed. This is an average of about 10 purchase orders per week. Applicant estimates that it costs approximately $75 for each calculation of net asset value.

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

Applicant assets that in views of its relatively small asset size and the limited number of transactions in its shares, the addition cost imposed by daily pricing of Applicant's shares would be an excessive financial burden.

Applicant represents that its 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 prevent short-term speculation resulting from sale of shares at a previously determined price, and would afford its shareholders the opportunity to shape the policies of their fund in the manner deemed best by them.

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 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 fourth day of August 1969, at 10 a.m. l.t., in room 3010, New Federal Building, 500 Gold SW., Albuquerque, N. Mex. 87101. Any person, other than the Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 31st 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 Applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. 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:

Whether the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

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

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

By the Commission.

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

[F.R. Doc. 69-8076; Filed, July 9, 1969; 8:46 a.m.]

[812-2377]

FML GROWTH FUND, INC., AND FML FUNDS DISTRIBUTION CO.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that FML Growth Fund, Inc. ("FML Fund"), an open-end investment company, registered under the Investment Company Act of 1940 (the "Act") and FML Funds Distribution Co. ("FML Distribution"), Post Office Box 7318, Philadelphia, Pa. 19101, the distributor of the shares of FML Fund, have applied pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the sale of FML Fund shares, without the usual sales charge, to the officers, directors or full-time employees for a period of at least 90 days of the Fidelity Mutual Life Insurance Co. ("Fidelity"), the parent of FML Distribution and FML Funds Advisory Corp. ("FML Advisory"), the investment adviser to FML Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Shares of FML Fund are customarily sold with a maximum sales charge of 7½ percent of the public offering price. Officers, directors, and employees of FML Fund, FML Advisory, or FML Distribution, who have acted as such for at least 90 days, may purchase FML Fund shares at net asset value without a sales charge, provided the purchaser supplies written assurance that the purchase is made for investment purposes and that shares so acquired will not be resold except through regular redemption by FML Fund.

All persons engaged in activities on behalf of FML Advisory and FML Distribution are employees of Fidelity. The officers of FML Fund are also officers of Fidelity and FML Fund shares are presently marketed by properly registered agents of Fidelity.

The exemption would allow FML Fund to place Fidelity employees, directors, and officers in a position of equality with employees, directors, and officers of FML Fund, FML Advisory and FML Distribution in respect to purchases of FML Fund Shares, provided the Fidelity employees, directors, and officers also given written assurance that their purchase is made for investment purposes and that they will not be resold except through redemption or repurchase by or on behalf of the issuer. The price at which shares would be sold to such persons would be uniform and would be set forth in the prospectus of FML Fund.

FML Fund and FML Distribution contend that the exemption would aid Fidelity in improving its relationships with its employees and would give recognition to Fidelity's desire not to make a profit from its employees. It is also maintained that the exemption may be granted without detriment to the other shareholders of FML Fund or to the general public.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 69-8077; Filed, July 9, 1969; 8:46 a.m.]

[812-2338]

HARTWELL & CAMPBELL FUND, INC., AND H & C SALES CO., INC.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that Hartwell & Campbell Fund, Inc. ("H & C Fund"), an open-end investment company, registered under the Investment Company Act of 1940 (the "Act") and its underwriter, H & C Sales Co., Inc. ("H & C Sales"), 245 Park Avenue, New York, N.Y., have applied pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the sale of H & C Fund shares, at net asset value but without the usual sales charge, to the persons who were already shareholders of H & C Fund on May 1, 1968, when its present schedule of sales charges was first imposed. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

From January 31, 1967, to April 30, 1968, shares of H & C Fund were sold at net asset value per share without any sales charge or commission. A sales charge of up to 8½ percent was put into effect on May 1, 1968, at which time H & C Fund had about 4,850 shareholders and net assets of $41,363,258.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

H & C Fund and H & C Sales seek an exemption from section 22(d) to permit the sale of shares of H & C Fund without any sales load to any person who has continuously been a shareholder of H & C Fund since on, or before, April 30, 1968, provided that the purchase is made upon the written assurance of the purchasers that the purchase is made for investment purposes and that the shares

will not be resold except through redemption or repurchase by or on behalf of the issuer. The prospectus of H & C Fund will disclose such sales.

H & C Fund and H & C Sales represent that the shareholders who purchased shares of H & C Fund before a sales charge was imposed discovered H & C Fund on their own without the paid services of H & C Sales or any broker-dealer or salesman, and that if in the future they purchase additional shares, no substantial services will be rendered by H & C Sales or any broker-dealer or salesman which would justify the 8½ percent sales charge. Expenses entailed in making future sales to these shareholders will not be greater than those entailed in making the original sales for which no sales charge was collected. H & C Sales states that it does not wish to receive a sales charge on such sales because such charge would serve no useful purpose but would merely be an unearned commission constituting a windfall which it does not desire.

Notice is further given that any interested person may, not later than July 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon H & C Fund and H & C Sales at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 69-8078; Filed, July 9, 1969; 8:46 a.m.]

INTERCONTINENTAL INDUSTRIES, INC.

Order Suspending Trading

JULY 3, 1969.

The common stock, $1 par value, of Intercontinental Industries, Inc. (a Nevada corporation), 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 July 6, 1969, through July 15, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-8079; Filed, July 9, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JULY 3, 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. (a New York corporation), 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 July 6, 1969, through July 15, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-8080; Filed July 9, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

JULY 3, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-8081; Filed, July 9, 1969; 8:46 a.m.]

[812-2347]

TRANSAMERICA CAPITAL FUND, INC., AND TRANSAMERICA FUND SALES, INC.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that Transamerica Capital Fund, Inc. ("Transamerica Fund"), a Delaware corporation and an open-end investment company registered under the Investment Company Act of 1940 ("Act") and Transamerica Fund Sales, Inc. ("Transamerica Fund Sales"), Post Office Box 2438, Los Angeles, Calif. 90054, a Delaware corporation which distributes the shares of Transamerica Fund, have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the shares of any registered investment company which is managed by Transamerica Fund Management Co. ("Transamerica Fund Management"), and which shares are distributed by Transamerica Fund Sales, to be sold without the usual sales charge to the approximately 22,621 persons who are related to Transamerica Corp., or one of its subsidiaries, as an officer, director, or full-time employee. Transamerica Fund and Transamerica Fund Sales are sometimes hereafter referred to as "Applicants." All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Shares of the registered investment companies will ordinarily be offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a maximum sales charge of 8 percent of the public offering price, reduced on a graduated scale for sales involving larger amounts.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Transamerica Corp. is a company with over 100 subsidiary corporations engaged

in various businesses. Both Transamerica Fund Management and Transamerica Fund Sales are subsidiaries of Transamerica Corp. Applicants seek an exemption from section 22(d) to permit the shares of any registered investment company that is managed by Transamerica Fund Management and whose shares are distributed by Transamerica Fund Sales, to be offered at net asset value to the officers, directors, and full-time employees, who have acted as such for not less than 90 days, of Transamerica Corp., its subsidiaries and affiliates; to any trust, pension, profit sharing, deferred compensation, stock purchase and savings, or other benefit plan for such persons; and to the Transamerica Corp., its subsidiaries and affiliates. Such sales will be made pursuant to a uniform offer described in the prospectus of the investment company involved and will be made only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Transamerica Fund Sales sells only through its own salesmen who are authorized to sell only the shares sold by Transamerica Sales. Almost every new investment is the result of direct personal contact on the part of one of the salesmen.

No sales expense will be incurred in the sales of shares for which exemption from the provisions of section 22(d) is sought. There will be no personal contact by a sales representative in connection with such sales. Announcement of the availability of shares of the mutual funds involved will be made in a house publication or on a bulletin board of the various subsidiaries and investments will ordinarily be made through a payroll deduction plan. Transamerica Fund Sales will not bear the expense of either the announcements or the payroll deduction plan.

Notice is further given that any interested person may, not later than July 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 69-8082; Filed, July 9, 1969; 8:46 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, 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 July 5, 1969, through July 14, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-8083; Filed, July 9, 1969; 8:46 a.m.]

[70-4768]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

Notice of Proposed Mortgage Amendments Removing Limitations on Permissible Bond Indebtedness and of Proposed Solicitation of Proxies

JULY 3, 1969.

Notice is hereby given that Utah Power & Light Co. ("Utah"), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, Utah 84101, a registered holding company and an electric utility company, and its wholly owned electric utility subsidiary company, The Western Colorado Power Co. ("Western"), 423 Main Street, Montrose, Colo. 81401, have filed a joint declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), proposing an amendment to Utah's Mortgage and Deed of Trust dated as of December 1, 1943, as supplemented, and a corresponding amendment to Western's indenture also dated as of December 1, 1943, as supplemented. Utah and Western have designated sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed amendments.

Utah's mortgage has a provision which fixes a ceiling of $250 million as the aggregate principal amount of permissible bond indebtedness which may be outstanding under the mortgage at any one time. Utah now has outstanding under its mortgage an aggregate of $186 million principal amount of bonds and believes that within a period of 3 years its construction expenditures will be such as to require bond financing which will approach, if not exceed, this mortgage limitation. Utah proposes to amend its mortgage to remove this restrictive provision. The mortgage has other provisions limiting the issue of new bonds none of which will be altered. Western's common stock and a note held by Utah are pledged by the parent company as collateral under its mortgage. Western's indenture contains a provision which corresponds in substance to the provision of Utah's mortgage described above. It limits to $250 million the amount of obligations for which Western's indenture can be collateral security. If Utah's mortgage is amended as proposed, Western proposes to amend its indenture thereby removing the debt ceiling limitation.

The proposed amendment of Utah's mortgage requires the affirmative vote of the holders of 70 percent in principal amount of Utah's outstanding bonds at a meeting called for that purpose. To effect this vote Utah proposes to call a meeting of its bondholders to be held on or about November 7, 1969. Utah proposes to solicit proxies from its bondholders through the use of solicitation material which will state in full the proposed modification of the mortgage and the reasons therefor. It is stated that proxies may be solicited by directors, officers, and regular employees of Utah and by Halsey, Stuart & Co., Inc., retained to advise Utah in connection with the bondholders' meeting and the proposed amendments and to assist in obtaining proxies for the amendment.

Fees and expenses in connection with the proposed amendments are estimated at $53,000, including trustees fee of $10,000, legal fees of $10,000 and financial adviser's fee of $20,000.

It is stated that the Idaho Public Utilities Commission, the Public Service Commission of Wyoming, and the Public Utilities Commission of Colorado have jurisdiction over the proposed amendments. Copies of the orders of the Idaho and Wyoming Commissions approving the amendment to Utah's mortgage and a copy of the order of the Colorado Commission approving the amendment to Western's indenture will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 31, 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 the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-8064; Filed, July 9, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 447]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 7, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior-filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

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

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

7963-C2-P-69—P. L. Woodbury, doing business as Mobilfone of Kansas (New), C.P. for a new 2-way station to be located at 1.2 miles north of St. Marys, Kans., to operate on base frequency 152.18 MHz.

7964-C2-P-69—Brandenburg Telephone Co. (KIY459), C.P. to replace transmitter operating on base frequency 152.81 MHz off U.S. Highway No. 60, approximately 1 mile southeast of Guston, Ky.

7965-C2-P-69—Services Unlimited, Inc. (KIY449), C.P. for additional base channel to be located at a new site described as location No. 4: Robert E. Lee Hotel, corner Fifth and Cherry Streets, Winston-Salem, N.C., to operate on frequency 152.15 MHz.

7966-C2-P-(4)-69—Northwestern Bell Telephone Co. (KAA817), C.P. for additional base channels to operate on frequencies 152.69, 152.78, 152.60, 152.54 MHz. Also add auxiliary test frequencies 157.95, 157.86, 157.80, 158.04 MHz at 224 South Fifth Street, Minneapolis, Minn.

7968-C2-P-69—Otis L. Hale, doing business as Mobilfone Communications (KLB500), C.P. for additional base channel to be located at a new site described as location No. 4: 30th and Maple Streets, Little Rock, Ark., to operate on frequency 152.03 MHz.

7969-C2-P-69—Alco Telephone Answer-Ring Service of Greenville, Miss., Inc. (KFL932), C.P. to replace transmitter operating on base frequency 152.03 MHz at 719 Washington Avenue, Greenville, Miss.

7970-C2-P-69—Commonwealth Telephone Co. of Virginia (KIY597), C.P. to replace transmitter operating on base frequency 152.66 MHz at approximately 250 feet opposite point when county road No. 642 joins State route No. 234, Manassas, Va. Also correct coordinates to read: latitude 38°39'31" N., longitude 77°26'30" W.

7971-C2-P-(4)-69—Michigan Bell Telephone Co. (KQA767), C.P. for additional base channels to operate on frequencies 454.375, 454.475, 454.550, 454.625 MHz at location No. 6: 25189 Lahser Road, Southfield, Mich.

8037-C2-AL-69—William A Houser (KSD313), Consent to assignment of license from: William A. Houser, Assignor, to: Joliet Telephone Answering Service, Inc., Assignee.

8038-C2-P-69—Southwestern Bell Telephone Co. (KAA698), C.P. to change antenna system operating on base frequency 152.63 MHz at 0.75 mile southwest of Kingdom City, Mo.

01-C2-P-70—Henry M. Zachs, doing business as Massachusetts-Connecticut Mobile Telephone Co. (New), C.P. for a new 1-way station to be located at 750 Main Street, Hartford, Conn., to operate on base frequency 158.70 MHz.

02-C2-P-70—Electronics Unlimited Corp. (New), C.P. for new 1-way station to be located at Signal Hill, St. Thomas, V.I., to operate on base frequency 158.70 MHz.

03-C2-P-70—Electronics Unlimited Corp. (WWA336), C.P. to relocate control facilities at location No. 1: Long Bay No. 1, Sugar Estate, Charlotte Amalie, V.I., operating on frequencies 158.52, 158.64 MHz. Also change antenna system and replace transmitter for base frequencies 152.06, 152.18 MHz at location No. 2: Signal Hill, St. Thomas, V.I.

04-C2-P-(2)-70—Rochester Telephone Corp. (KEK284), C.P. to change antenna system operating on base frequencies 152.54, 152.60 MHz at 95 North Fitzhugh Street, Rochester, N.Y.

05-C2-P-(2)-70—O. L. Hale, doing business as Mobilfone Communications (KLB500), C.P. for additional base channels to be located at a new site described as location No. 4: 30th and Maple Streets, Little Rock, Ark., to operate on frequencies 454.20, 454.30 MHz.

06-C2-P-70—Guy P. McSweeney, doing business as Radio Telephone Service (KJU819), C.P. to change antenna system operating on base frequency 152.09 MHz located at 0.2 mile west of Catlettsburg, Ky.

Major Amendment

5066-C2-P-69—Credit Bureau of Decatur, Inc. (New), amend to read: C.P. to operate on frequency 158.70 MHz. All other particulars remain the same as reported on public notice dated March 10, 1969, Report No. 430.

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

7972-C1-P-69—Pacific Northwest Bell Telephone Co. (KTF28), C.P. to add 2128 MHz directed toward Quinault, Wash., via passive reflector at its station Saddle Hill, 2.6 miles east of Ocean City, Wash.

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

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

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

7973-C1-P-69—Pacific Northwest Bell Telephone Co. (New), C.P. for a new fixed station. Frequency: 2178 MHz. Location: 1 mile southwest of Quinault, Wash.

8021-C1-AL-69, 8022-C1-AL-69—Southern Bell Telephone & Telegraph Co. (KRT55) (KRT54), Consent to assignment of licenses from Southern Bell Telephone & Telegraph Co., Assignor, to: General Telephone Co. of Florida, Assignee. (Knights & Tampa, Fla.)

8023-C1-AP/AL-69, 8024-C1-AP/AL-69—American Telephone & Telegraph Co. (KJD20) (KJJ91), Consent to assignment of permits and licenses from American Telephone & Telegraph Co., Assignor, to: General Telephone Co. of Florida, Assignee. (Knights & Tampa, Fla.)

8039-C1-P/L-69—The Chesapeake & Potomac Telephone Co. (New), C.P. and license for a new station. Frequency: 5962.5 MHz. Location: 2400 Sixth Street NW. Administration Bldg., Howard University, Washington, D.C.

8040-C1-P/L-69—The Chesapeake & Potomac Telephone Co. (New), C.P. and license for a new station. Frequencies: 6330.7 and 10,995 MHz. Location: 725 13th Street NW., Washington, D.C.

7-C1-P-70—Illinois Bell Telephone Co. (KIL65), C.P. to add 6271.4 and 11,155 MHz directed toward Woodstock at its station Silver Lake, 1.3 miles northwest of Oakwood Hills, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

8050-C1-P-69—Mountain Microwave Corp. (KBI22), C.P. to power split 6145.0 MHz on azimuth 103°36′ toward Eads, Colo. Station location is Almagre Mountain, 8 miles west of Broadmoor, Colo., at latitude 38°47′29″ N., longitude 104°59′34″ W.

8051-C1-MP-69—Mountain Microwave Corp. (KZI39), Modification of C.P. to change location of Dodge City, Kans., receiving site to latitude 37°46′40″ N., longitude 100°03′41″ W., and change azimuth to 99°25′. Frequencies 6256.5 and 6315.9 MHz. (Informative: Applicant is making changes in a previously authorized system.)

Major Amendments

3387-C1-P-69—Interdata Communications, Inc. (New), Change point of communication from Baltimore to Towson, Md., and change azimuth to 40°55′.

3388-C1-P-69—Interdata Communications, Inc. (New), Change location of station to northwest corner of Joppa Road and Fairmont Avenue, Towson, Md., at latitude 89°24′08″ N., longitude 76°35′50″ W. Change azimuth to: 204°54′ and 70°54′ toward Jessup and Perryman, Md., respectively.

3387-C1-P-69—Interdata Communications, Inc. (New), Change point of communication from Baltimore to Towson, Md., and change azimuth to 250°54′. (All other particulars same as reported in public notice dated Dec. 16, 1968.)

LOCAL TELEVISION TRANSMISSION SERVICE

7967-C1-P/L-69—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new mobile TV-pickup station. Frequency bands: 6425–6525 and 11,700–12,200 MHz. To operate at any temporary location in the State of Arizona.

Major Amendments

1517-C1-P-68—Mountain Microwave Corp. (New), Application amended to replace equipment and change frequency 6887.5 MHz to 6212.0 MHz toward Diamond Lake, S. Dak., on azimuth of 303°13′. Transmitter location: Sioux Falls, 1 mile east of Rowena, S. Dak.

1518-C1-P-68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and delete Lake Henry, S. Dak., as a point of communication; and (b) add frequency 5960.0 MHz toward new point of communication at DeSmet, S. Dak. (latitude 44°26′29″ N., longitude 97°37′10″ W.), on azimuth of 333°03′. Transmitter location: Diamond Lake, 8 miles north of Montrose, S. Dak.

1519-C1-P-68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and change station location from Lake Henry to DeSmet, S. Dak.; and (b) change frequency 6887.5 MHz to 6212.0 MHz toward Garden City and Huron, S. Dak., on azimuths of 03°25′ and 256°33′, respectively. Transmitter location: 5 miles northwest of DeSmet, S. Dak.

1520-C1-P-68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and change station location from 2 miles southwest of Huron to 1.2 miles southwest of Huron, S. Dak. (latitude 44°20′05″ N., longitude 98°14′00″ W.); and (b) change frequency 6937.5 MHz to 6019.0 MHz toward Spring Lake, S. Dak., on azimuth 267°28′. Transmitter location: 1.2 miles southwest of Huron, S. Dak.

1521-C1-P-68—Mountain Microwave Corp. (New), Application amended to replace equipment and change frequency 6887.5 MHz to 6241.0 MHz toward Medicine Butte, S. Dak., on azimuth of 229°05′. Transmitter location: Spring Lake, 9.5 miles west-northwest of Danforth, S. Dak. Other particulars are same as reported in public notice dated Oct. 9, 1967.

[F.R. Doc. 69-8132; Filed, July 9, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-841, etc.]

TEXACO, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 30, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-841	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	9	25	Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	$38	6- 4-69	[2] 7- 5-69	12- 5-69	13.2668	[3] [4] 13.3088	RI68-404.
RI69-842	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	301	[5] 8	Panhandle Eastern Pipe Line Co. (Guymon Hugoton (Deep) Field, Texas County, Okla.) (Panhandle Area).	605	6- 4-69	[5] 7- 5-69	12- 5-69	[6] 17.0	[4] [7] [8] 17.6	
	do	404	[5] 4	Natural Gas Pipeline Company of America (Northeast Custer City Field, Custer County, Okla.) (Oklahoma "Other" Area).	504	6- 4-69	[5] 7- 5-69	12- 5-69	[9] 15.0	[4] [10] [11] 17.0	
RI69-843	Mobil Oil Corp. (Operator).	434	[12] 5	Panhandle Eastern Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	7,063	6- 4-69	[5] 7- 5-69	12- 5-69	[9] [13] 16.35	[6] [10] [11] [12] 18.53	
RI69-844	Kewanee Oil Co., Post Office Box 2239, Tulsa, Okla. 74101.	1	3	Panhandle Eastern Pipe Line Co. (Nichols Field, Kiowa County, Kans.).	1,470	[14] 5-29-69	[5] 7- 1-69	12- 1-69	14.0	[4] [11] 16.0	
RI69-845	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	30	6	Panhandle Eastern Pipe Line Co. (West Valley Center Field, Dewey County, Okla.) (Oklahoma "Other" Area).	10,568	6- 9-69	[5] 7-10-69	12-10-69	[15] 17.015	[4] [15] [17] 18.015	RI68-608.
RI69-846	Cabot Corporation (SW) Post Office Box 1101, Pampa, Tex. 79065.	75	2	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	350	6- 9-69	[5] 8- 1-69	1- 1-70	17.0	[4] [18] 18.0	
RI69-847	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	462	1	Michigan Wisconsin Pipe Line Co. (Northwest Mendota Field, Roberts and Hemphill Counties, Tex.) (RR. District No. 10).	31,500	6- 9-69	[5] 8- 9-69	1- 9-70	[15] 17.850	[4] [15] [19] 18.900	
RI69-848	Northern Natural Gas Producing Co. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	2	[20] 108	Northern Natural Gas Co. (Hugoton Field, Stevens et al., Counties, Kans.).	4,680	6-11-69	[2] 7-12-69	12-12-69	[6] 16.0	[4] [8] [10] 17.0	RI68-462.
RI69-849	Mobil Oil Corp. et al., Post Office Box 1774, Houston, Tex. 77001.	282	[20] 12	Northern Natural Gas Co. (Hugoton Field, Stevens County, Kans.).	9,720	6-11-69	[2] 7-12-69	12-12-69	[6] 16.0	[4] [8] [10] 17.0	RI68-156.
RI69-850	W. M. Gallaway et al., Post Office Box 630, Farmington, N. Mex. 87401.	2	[21] 4	El Paso Natural Gas Co. (Ignacio Blanco Field, LaPlatta County, Colo.).	12,600	[22] 5-15-69	[2] 7-17-69	12-17-69	13.0	[4] [16] 14.0	
RI69-851	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	308	6	El Paso Natural Gas Co. (Yucca Butte and Cobblestone Areas, Pecos and Terrell Counties, Tex.) (RR. District Nos. 7-C and 8) (Permian Basin Area).	4,808	6- 6-69	[5] 8- 1-69	1- 1-70	16.72	[4] [18] 17.7363	
	do	386	4	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	[23]	6- 6-69	[5] 8- 1-69	1- 1-70	[24] [25] 16.8882	[4] [16] [24] 17.9117	
RI69-852	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	241	1	Natural Gas Pipeline Co. of America (Crittendon Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	1,559	6-11-69	[6] 7-12-69	12-12-69	16.8557	[4] [26] 18.88	
RI69-853	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	260	2	United Gas Pipe Line Co. (Little Creek Field, Lincoln and Pike Counties, Miss.).	365	6-12-69	[5] 7-13-69	12-13-69	[6] 19.0	[4] [10] [27] 20.0	RI64-791.
RI69-854	Sue Trammell Whitfield and W. B. Trammell, Jr., c/o Vinson, Elkins, Sears & Connally, First City National Bank Bldg., Houston, Tex. 77002.	1	3	Natural Gas Pipeline Co. of America (Old Ocean Field, Brazoria and Matagorda Counties, Tex.) (RR. District No. 3).	342	6- 5-69	[6] 7- 6-69	12- 6-69	14.0	[4] [28] [29] 16.37588	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Redetermined rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Applicable only to wellhead sales of gas from acreage added by Supplement No. 6.
[5] The stated effective date is the effective date requested by respondent.
[6] "Fractured" rate increase. Contractually due 19.5 cents per Mcf.
[7] Subject to a downward B.t.u. adjustment.
[8] Applicable to acreage added by Supplement Nos. 2 and 3.
[9] Filing from certificated rate to initial contract rate.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Applicable to acreage added by Supplement No. 3.
[12] Includes base rate of 15 cents plus 1.35 cents upward B.t.u. adjustment (1000 B.t.u. gas) before increase and base rate of 17 cents plus 1.53 cents upward B.t.u. adjustment after increase.
[13] Filing completed by letter dated June 5, 1969, submitted on June 6, 1969.
[14] Two-step periodic rate increase.
[15] Periodic rate increase.
[16] Rate includes 0.015 cent tax reimbursement and is subject to upward and downward B.t.u. adjustment. B.t.u. content ranges from 1,166 to 1,172 for the Units involved.
[17] "Fractured" rate increase. Contractually due 19 cents base rate.
[18] Includes base rate of 17 cents plus 0.850 cent upward B.t.u. adjustment (1000 B.t.u. gas) before increase and base rate of 18 cents plus 0.90 cent upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[19] Applicable only to production from below Top of the Morrow Sand.
[20] Applies to acreage added by Supplement Nos. 1 and 2.
[21] Additional material filed May 16, 1969, requesting the date the certificate is issued for the acreage added by Supplement Nos. 1 and 2. Order issued June 16, 1969.
[22] No deliveries being made.
[23] Includes partial reimbursement for the full 2.55-percent New Mexico Emergency School Tax.
[24] Initial rate conditioned by temporary certificate issued in Docket No. CI66-606 to include Humble's possible refunding of that part of the New Mexico Emergency School Tax in excess of 0.55 percent which is being protested by the buyer.
[25] Increase from applicable area ceiling rate to contract rate.
[26] Pressure base is 15.025 p.s.i.a.
[27] "Fractured" rate increase to contractually due rate.
[28] Contractually provided for rate.

Mobil Oil Corp. (Operator), requests that its proposed rate increase be permitted to become effective as of June 11, 1969, and Mobil Oil Corp., et al., request an effective date of July 1, 1969. Northern Natural Gas Producing Co. (Operator), et al., also request an effective date of July 1, 1969 for their proposed rate increase. W. M. Gallaway, et al., request that their rate increase be permitted to become effective as of June 16, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Mobil Oil Corp., and Mobil Oil Corp. (Operator) (both referred to herein as Mobil), request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day. Good cause has not been shown for granting Mobil's request for limiting to 1 day the suspension periods with respect to Mobil's rate filings and such request is denied.

Supplement No. 4 to Humble Oil & Refining Co. (Humble), FPC Gas Rate Schedule No. 336 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increase in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of Humble's proposed increased rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increases filed by Humble and Sun Oil Co. in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-8002; Filed, July 9, 1969; 8:45 a.m.]

[Docket No. R169-858, etc.]

UNION OIL CO. OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 30, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 20, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R169-858	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017. Attention: Mr. C. E. Smith.	197	[3] 1	Transcontinental Gas Pipe Line Corp. (Block 274 Field, Ship Shoal Area) (Offshore Louisiana).	$108,000	6-4-69	[4] 7-5-69	[5] 7-6-69	[6] [10] 18.5	[7] [10] 20.0	
	....do	192	[11] 1	Transcontinental Gas Pipe Line Corp. (Block 89 Field, East Cameron Area) (Offshore Louisiana).	135,000	6-4-69	[4] 7-5-69	[5] 7-6-69	[6] [10] [12] 18.5	[7] [10] 20.0	
R169-859	Texas Gas Exploration Corp., First City National Bank Bldg., Houston, Tex. 77002.	26	[13] 1	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Block 180 Field, West Cameron Area) (Offshore Louisiana).	9,000	6-5-69	[4] 7-6-69	[5] 7-7-69	[6] [10] [12] 18.5	[7] [10] 20.0	
R169-860	The Preston Oil Co., Post Office Box 1350, Houston, Tex. 77001. Attention: Mr. Howard B. Noyes.	36	[13] 1	....do	1,807	6-11-69	[4] 7-12-69	[5] 7-13-69	[6] [10] [12] 18.5	[7] [10] 20.0	

[3] Contract dated Feb. 27, 1969.
[4] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.
[7] Pressure base is 14.65 p.s.i.a.
[8] Area base rate for gas-well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[9] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. CI69-979.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Contract dated Dec. 2, 1968.
[12] Initial rate as conditioned by temporary certificate issued Feb. 14, 1969, in Docket No. CI69-563.
[13] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. CI69-979.
[14] Contract dated Apr. 19, 1969.
[15] Contract dated Apr. 11, 1969.
[16] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. CI69-967.

These four proposed rate increases, from 18.5 cents to 20.0 cents per Mcf (subject to upward and downward B.t.u. adjustment), involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to Ordering Paragraph (A) of Opinion No. 546–A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth below authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustment).[1] Deliveries of gas have not as yet commenced thereunder.

We conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective date column" on appendix "A" hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Act pending the outcome of the area rate proceeding in docket No. AR69–1.

[F.R. Doc. 69–8003; Filed, July 9, 1969; 8:45 a.m.]

[Docket No. CP69–354]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 30, 1969, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in docket No. CP69–354 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity requesting authorization to provide the Connecticut Gas Co. (Connecticut Gas), an existing customer of Applicant, with a new delivery point to an unserved portion of its authorized service territory, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states Connecticut Gas can provide service to a new plant being built by Uniroyal, Inc., in Oxford, Conn., part of their existing service territory, at substantially less cost, by having a new delivery point from Applicant, than the estimated cost of extending its distribution system to Oxford.

Estimated cost of facilities is $7,696, which will be financed out of cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8102; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. E–7492]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 25, 1969, Arizona Public Service Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the sale and disposition by it of certain undivided interests in certain 230-KV switchyard facilities located at the so-called Four Corners Generating Station located in northwestern New Mexico.

Applicant is incorporated under the laws of the State of Arizona, with its principal place of business in Phoenix, Ariz., and it is engaged in the electric utility business in 10 counties in the State of Arizona.

The Applicant proposes to sell undivided interests in the switchyard facilities to Salt River Project Agricultural Improvement and Power District (Salt River) and to Public Service Co. of New Mexico (PSNM). It is proposed that upon completion of the transaction, Applicant will retain 57.5 percent of the capacity of the switchyard, PSNM will own 12.5 percent and Salt River 30 percent of the capacity of the switchyard. Under an agreement between the three parties, the Applicant will sell to the other two parties undivided interests in the percentages above set out. In consideration thereof, the two parties will pay the Applicant a total of $109,084 of which amount Salt River will pay $77,000 and PSNM will pay $32,084.

The facilities now serve as a path for the transferral of electric power and energy for Applicant between its 230-KV switchyard at Four Corners and its two 345-KV transmission lines. After the sale of the undivided interests in the switchyard facilities, they will then be used to serve as a path for the transferral of electric power and energy for Applicant, PSNM and Salt River between the 230-KV and the 345-KV switchyards.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8110; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69–351]

CARNEGIE NATURAL GAS CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 27, 1969, Carnegie Natural Gas Co. (Applicant), 3904 Main Street, Munhall, Pa. 15120, filed in docket No. CP69–351 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon points of connection and appurtenant transportation facilities in Allegheny and Greene Counties, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to terminate service at the following connections:

(1) A connection with Equitable Gas Co. located in West Mifflin Borough, Allegheny County.

(2) A connection with Columbia Gas of Pennsylvania, Inc., located in Springhill Township, Greene County, Pa.

Applicant states that an alternate connection with Equitable Gas Co. is available less than 5 miles distant in Washington County, Pa.; and that its customer for transportation service in Greene County, Pa., has terminated its contract to purchase gas at this connection.

[1] Dockets Nos. CI68–1027 and CI69–563, Union Oil Co. of California; docket No. CI69–979, Texas Gas Exploration Corp.; docket No. CI69–967, The Preston Oil Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8103; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-352]

CITIES SERVICE GAS CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69-352 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to install and operate measuring and regulating equipment and the sale of natural gas to the North Key Gas Co., Inc., for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap its existing Drumright to Tallant 16-inch and 18-inch transmission line in Osage County, install measuring, regulating and appurtenant facilities, and sell and deliver natural gas to the North Key Gas Co., Inc. for resale and distribution in the community of Pine, Okla., in Osage County.

The total estimated cost of the proposed facilities is $6,440, which will be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8108; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. E-7493]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 26, 1969, Community Public Service Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the purchase from Otero County Electric Cooperative, Inc., and merger into Applicant's existing system of certain electric facilities in Lincoln and Otero counties in N. Mex. Applicant seeks, alternatively, an order disclaiming the jurisdiction of the Federal Power Commission over the proposed purchase and merger of the said electric facilities.

Applicant is incorporated in the State of Texas with its principal business office in Fort Worth, Tex. Applicant also conducts business in the State of New Mexico, its principal New Mexico business office being at Silver City, N. Mex.

The facilities to be purchased consist of approximately 34 miles of electric distribution circuits of 14.4-kv and lower voltages together with transformers, services, poles, meters, easements, permits, and other appurtenances located in part within and in part outside of the municipal limits of the villages of Ruidoso and Ruidoso Downs, in Lincoln County, and in Tularosa and the city of Alamogordo, in Otero County, N. Mex. The total purchase price of the facilities is $245,000 plus adjustments for additions made prior to the closing date of the contract.

After the acquisition the facilities will continue to be used to provide the same service now provided. Most of the consumers to be transferred will receive an immediate reduction in the rates paid for electric service.

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8112; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. E-7494]

IOWA POWER AND LIGHT CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Iowa Power and Light Co., 823 Walnut Street, Des Moines, Iowa 50303, and Iowa-Illinois Gas and Electric Co., 206 East Second Street, Davenport, Iowa 52801 (Applicant), filed an application pursuant to section 203 of the Federal Power Act (16 U.S.C. sec. 824(b)), seeking authority to consummate a Plan of Consolidation pursuant to which Applicants will be consolidated into a new corporation, Iowa Energy Co., and the outstanding common and preferred stock of Applicants converted into shares of Iowa Energy Co.

Under the Plan of Consolidation, preferred stockholders of each company will receive preferred stock of the new company, reflecting rights and privileges substantially similar to those of the

outstanding preferred stock of the constituent companies; common stockholders of Iowa-Illinois will receive common stock of the new company on a share-for-share basis; and common stockholders of Iowa Power will receive 1.15 shares of the common stock of Iowa Power.

Iowa Energy Co. will assume all rights and liabilities of Applicants, including all gas and electric utility facilities, contracts (including contracts for the purchase, sale or interchange of electric energy), and franchises, and will continue to conduct all of the business now conducted by Applicants. Applicant, Iowa Power and Light Co., an Iowa corporation, is presently engaged in the business of supplying electric and gas service in the Central and Southwestern sections of Iowa, including Des Moines, Iowa, and Council Bluffs, Iowa. Applicant, Iowa-Illinois Gas and Electric Co., an Illinois corporation, is presently engaged in the business of supplying electric and gas service in the Central and Eastern sections of Iowa and the Western section of Illinois, including the Quad-Cities (Rock Island, Moline, and East Moline, Ill., and Davenport, Iowa), and Fort Dodge, Iowa City, Cedar Rapids, and Ottumwa, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8109; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-356]

MIDWEST NATURAL GAS CO. AND MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 30, 1969, Midwest Natural Gas Co. (Applicant) 600 Denver Club Building, Denver, Colo. 80202, filed in docket No. CP69-356 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Montana-Dakota Utilities Co. (Respondent) to establish physical connection of its transportation facilities with Applicant's proposed facilities, and to sell and deliver to Applicant the volumes of natural gas required for initiation of gas service in 20 communities situated in North Dakota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the pipeline and transmission facilities of Respondent provides the most feasible and economical source of supply of natural gas for the 20 communities Applicant proposes to serve. Applicant further states such sales and deliveries as may be required will not impair Respondent's ability to render adequate service to its existing customers or subject it to any undue burden.

Estimated cost of the proposed facilities is $11,610,000, which will be financed by the issuance of common stock and convertible debentures.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8101; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. RP70-1]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JULY 3, 1969.

Take notice that Mississippi River Transmission Corp. (Mississippi) on July 1, 1969, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on August 1, 1969. The proposed rate changes would increase charges for jurisdictional sales by $8,117,059 annually, based on volumes for the 12-month period ended March 31, 1969, as adjusted. The proposed increase would be applicable to Mississippi's Rate Schedules CD-1 and PI-1. Mississippi also proposes to revise Rate Schedule PI-1 to make it available on a continuing basis in lieu of its present availability which is limited to the period November 1, 1968 through October 31, 1969, and proposes various minor modifications to its Rate Schedules CD-1 and PI-1.

Mississippi states the principal reasons for the proposed rate increases are: increases in the cost of purchased gas, increased operating costs and taxes and increased financing costs. The proposed increased rates reflect a rate of return of 9 percent.

Copies of the filing were served on Mississippi's customers and interested State Commissions.

Any persons desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8104; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-353]

MISSISSIPPI VALLEY GAS CO. AND TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Mississippi Valley Gas Co. (Applicant), Post Office Box 3348, Jackson, Miss. 39207, filed in docket No. CP69-353 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Pipe Line Co. to establish physical connection of its transmission facilities with the proposed facility of Holcomb, Miss., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system in Holcomb, Miss. The total estimated cost of the proposed facility is $47,445, which will be financed from funds on hand.

Applicant estimates peak day and annual gas requirements as follows:

Year	Maximum daily (Mcf)	Annual quantity (Mcf)
1	133	13,290
2	145	15,130
3	160	17,340

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8111; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-350]

SABINE PIPE LINE CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 26, 1969, Sabine Pipe Line Co. (Applicant), 1111 Rusk Avenue, Houston, Tex. 77002, filed in docket No. CP69-350 a "budget-type" application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder authorizing rearrangement of Applicant's existing transportation facilities in Jefferson County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to make rearrangements in those facilities used to transport gas to the Texaco, Inc. plant in Port Arthur, in order to be in a position to promptly satisfy any requests for rearrangements which might be made by Texaco, Inc. Applicant proposes to expend not more than $10,000 during the 12-month period, and states that no material change will result in the service presently rendered by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8105; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-222 (Phase II)]

TENNESSEE GAS PIPELINE CO.

Order Setting Dates for Filing of Testimony and for Formal Hearing

JUNE 13, 1969.

By our order of June 10, 1969, Tennessee Gas Pipeline Co. (Tennessee), a division of Tenneco, Inc., was authorized, in what has been designated as Phase I, to construct and operate the facilities requested in its application in docket No. CP69-222. Additionally, we indicated that the issue raised by certain interveners as to the propriety of Tennessee's proposed manner of allocation of additional service to its customers would be resolved in the Phase II part of the proceeding. We shall here set a date for the filing of testimony and for the commencement of formal hearings in Phase II.

The Commission orders:

(A) The applicant will serve its direct prepared testimony on all parties of record, including the staff and the office of Hearing Examiners in a manner consistent with our rules on or before July 11, 1969.

(B) Pursuant to the authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1969, at 10 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters reserved for resolution in Phase II. Cross-examination of the testimony served pursuant to (A) above will commence at that time.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8106; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. RP69-41]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JULY 3, 1969.

Take notice that Texas Gas Transmission Corp. (Texas Gas) on June 27, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, and Original Volume No. 2, to become effective on August 12, 1969. The proposed rate changes would increase charges for jurisdictional sales and transportation services by $36,813,407 annually, based on volumes for the 12-month period ended March 31, 1969, as adjusted. The proposed increase would be applicable to all of Texas Gas' jurisdictional rate schedules. Texas Gas also proposes a modification of the billing demand ratchet provision under Rate Schedules G-1, G-2, G-3, and G-4 from the existing 90 percent of contract demand to 95 percent of contract demand, and a modification of the measurement provisions in the General Terms and Conditions.

Texas Gas states the principal reasons for the proposed rate increases are: (1) Increases in its cost of purchased gas; (2) costs of transportation by others of new offshore gas supplies and costs related to new underground storage facilities; (3) the proposed reversion from liberalized depreciation to straight line depreciation for tax purposes; (4) salary and wage increases; and (5) the need for an 8.5 percent rate of return.

Texas Gas' filing consists of two alternative sets of revised tariff sheets, the first of which contains a proposed new section, to be included in the General Terms and Conditions of the tariff, providing for monthly billing adjustments to reflect current changes in Texas Gas' unit cost of purchased gas. Texas Gas requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Texas Gas' filing, the Commission accept for filing the alternative set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Copies of the filing were served on Texas Gas' customers and interested State commissions.

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8100; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. RP69-40]

WESTERN TRANSMISSION CORP.

Notice of Proposed Change in Rate and Charge

JULY 3, 1969.

Notice is hereby given that Western Transmission Corp. (Western) on June 26, 1969, filed a proposed change in its FPC Gas Tariff, Original Volume No. 1, to be effective as of January 1, 1969. The proposed change would increase the rate charged to Colorado Interstate Gas Co. for gas sold under Rate Schedule F from 20 cents per Mcf to 21 cents.

Western alleges that the increase is of the periodic type provided by contract in the sale authorized by Opinion No. 429, issued May 26, 1964, 31 FPC 1295, in consolidated dockets CI63-1460 and CP63-329.

Any person desiring to be heard or to make any protest with reference to said tender should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8107; Filed, July 9, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of The First State Bank, West Bend, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The Marine Corp., Milwaukee, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First State Bank, West Bend, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Wisconsin Commissioner of Banking and requested his views and recommendation. He advised the Board that he would take no action to disapprove of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 22, 1969 (34 F.R. 6749), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

Dated at Washington, D.C., this 1st day of July 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8065; Filed, July 9, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1311]

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

JULY 3, 1969.

The following applications are governed by Special Rule 1.247[3] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

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

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

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

No. MC 694 (Sub-No. 6), filed June 16, 1969. Applicant: CLETUS E. MUMMERT, INC., East Berlin, Pa. 17316. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood mouldings and wood dimension parts*, from East Berlin, Pa., to points in New York, N.Y., commercial zone and points in New Jersey, under a continuing contract or contracts with Beau Products, Inc.; and (2) *lumber*, from East Berlin, Pa., to points in New York, N.Y., commercial zone and points in New Jersey, under a continuing contract or contracts with Penn Wood Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

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

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

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

No. MC 11207 (Sub-No. 286), filed June 11, 1969. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Savannah, Ga., to points in Alabama. NOTE: Applicant states it does not intent to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 20894 (Sub-No. 12), filed June 12, 1969. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, Pa. 19135. Applicant's representatives: Terrence L. Bowers (same address as applicant), and Edward F. Kane, 522 Swede Street, Norristown, Pa. 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 the site of the warehouse of the Singer Co. at Warwick, N.Y., on the one hand, and, on the other, points in New Jersey on and south of a line extending from U.S. Highway 206 at Trenton, N.J., northerly to Princeton, N.J.; thence in an easterly direction over New Jersey Highway 571 to Hightstown, N.J.; thence over New Jersey Highway 33 to Asbury Park, N.J., and points in Pennsylvania and Delaware on and east of U.S. Highway 202 from New Hope, Pa., to and including Wilmington, Del. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 119140 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 28517 (Sub-No. 6), filed June 10, 1969. Applicant: FARNY TRUCK SERVICE, INC., 1605 Northwest Pettygrove Street, Portland, Oreg. 97209. Applicant's representative: John R. Winkler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, in tank vehicles, and household goods as defined by the Commission): (A) between Rainier and Astoria, Oreg., over U.S. Highway 30; and (B) between Astoria and Seaside, Oreg., over U.S. Highway 101 and offroute points within 5 miles of the described route in (A) and (B); serving all intermediate points between Rainier and Seaside. NOTE: If a hearing is deemed necessary, applicant requests it be held at Astoria, Oreg.

No. MC 30844 (Sub-No. 278), filed June 16, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery ingredients*, from Kansas City, Mo., and points within its commercial zone to Rochester, St. Paul, and Minneapolis, Minn., and points within its commercial zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 30867 (Sub-No. 177), filed June 16, 1969. Applicant: CENTRAL FREIGHT LINES INC., 303 South 12th Street, Post Office Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): (1) between Waco, Tex., and Hempstead, Tex.: From Waco, over Texas Highway 6 to Hempstead, and return over the same route, serving all intermediate points; (2) between Caldwell, Tex., and Bryan, Tex.: from Caldwell, over Texas Highway 21 to Bryan, and return over the same route, serving all intermediate points; and (3) between junction of Texas Highway 6 and Texas Highway 14 at or near Bremond, Tex., and Corsicana, Tex.; from junction of Texas Highway 6 and Texas Highway 14 over Texas Highway 14 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Corsicana, Tex., and return over the same route, serving no intermediate points. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 31600 (Sub-No. 643) (Amendment), filed May 23, 1969, published in the FEDERAL REGISTER issue of June 19, 1969, and republished as amended, this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, dry in bulk, from Paulsboro, N.J., to Philadelphia, Pa., and points in Michigan, Ohio, and Delaware. NOTE: Applicant states that the authority pending under its Sub 639 for clay, from Paulsboro, N.J., to Alma, Mich., will be amended to delete that portion. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. The purpose of this republication is to add Delaware as a destination State. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 36556 (Sub-No. 17), filed June 9, 1969. Applicant: HOWARD E. BLACKMON, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Earle Munger, 520 58th Street, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials and supplies and ground clay products* in bulk, and packages and mixed bulk and packages, between the plantsites and the storage facilities of N. S. Koos & Son Co., in Kenosha, Wis., on the one hand, and, on the other, points in Illinois; and Lake County, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 36974 (Sub-No. 5) (Amendment), filed May 23, 1969, published FEDERAL REGISTER issue of June 12, 1969, amended June 22, 1969, and republished as amended, this issue. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, from Edison, N.J., to points in Orange, Rockland, Putnam, Ulster, Sullivan, and Dutchess Counties, N.Y., and Fairfield County, Conn., and *returned shipments*, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to add Sullivan and Dutchess to the New York counties. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 43716 (Sub-No. 27) (Amendment), filed May 6, 1969, published in the FEDERAL REGISTER issue of May 22, 1969, amended and republished this issue. Applicant: BIGGE DRAYAGE CO., a corporation, 10700 Bigge Avenue, San Leandro, Calif. 94577. Applicant's representative: R. A. Doty (same address as applicant). Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or special handling, including classes A and B explosives, and related parts, equipment, materials, and supplies, when their transportation is incidental to the transportation of the commodities which because of size or weight require the use of special equipment or handling; (a) between points in California, Idaho, Nevada, Oregon, and Washington; and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic moving (1) on Government bills of lading or (2) on commercial bills of lading to be converted

to Government bills of lading; or (3) on commercial bills of lading endorsed with the legend, "Transportation hereunder is for the U.S. Government and the actual cost paid to the carrier by the shipper or receiver is to be reimbursed by the U.S. Government". NOTE: The purpose of this republication is to clarify the commodity description and to limit the territorial scope to the area that can best be served by applicant. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.

No. MC 50493 (Sub-No. 44) (Amendment), filed April 3, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, amended and republished this issue. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa., Applicant's representative: Frank A. Doocey, 601 Hamilton Street, Allentown, Pa. 18101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients*, between Allentown, Pa., and points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it intends to tack at Allentown, Pa., from points in Florida, Georgia, North Carolina, and South Carolina, to serve points in New York and New Jersey. The purpose of this republication is to amend the tacking information. Applicant holds contract carrier authority under MC-115859 and Subs. Applicant states upon approval of application, it will surrender such contract carrier rights as are duplicated by application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 52657 (Sub-No. 663) (Amendment), filed May 5, 1969, published FEDERAL REGISTER issue of May 29, 1969, amended June 13, 1969, and republished as amended, this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bierberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except trailers), and *parts and accessories* thereof, when moving with the vehicles being transported, in initial movements in truckaway and driveway service, from Boyertown, Pa., to points in the United States, including Alaska (but excluding Hawaii), restricted against the transportation of vehicles which require the use of special equipment for transporting such vehicles; (2) *motor vehicles* (except trailers), and *parts and accessories* thereof, when moving with the vehicles being transported, in secondary movements in truckaway service, between Boyertown, Pa., and points in the United States, including Alaska (but excluding Hawaii), restricted to the transportation of vehicles which have been previously manufactured or assembled at Boyertown, Pa., and which have had a prior movement from Boyertown, Pa., and further restricted against the transportation of vehicles which require the use of special equipment for transporting such vehicles. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this amendment is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa. SPECIAL NOTE: The publication hereinabove set forth reflects the scope of the application as filed and amended 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 application here noticed will not necessarily reflect the phraseology set forth in the application as filed, and also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 56640 (Sub-No. 25), filed June 2, 1969. Applicant: DELTA LINES, INC., Post Office Box 8155, Emeryville, Calif. 94608. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and except commercial trailers in towaway service other than commercial trailers furnished by a shipper for the transportation of its products; (1) between junction California Highways 198 and 41 near Lemoore, Calif., and Lodgepole (Tulare County) Calif., over California Highway 198; and (2) between junction California Highways 198 and 276 and Mineral King, Calif., over California Highway 276, serving all intermediate points in connection with (1) and (2) above. NOTE: Applicant states it presently holds authority in its MC 56640 (Sub-No. 22) to serve as off-route points those points which are within 20 miles of U.S. Highway 99. Applicant further states this application seeks regular route authority to points that are within 20 miles of U.S. Highway 99, and to points beyond 20 miles. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 59367 (Sub-No. 69), filed June 18, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa, 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites of and storage facilities used by Farmbest, Inc., and World Wide Meats, Inc., located at or near Denison, Iowa, to points in Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 60012 (Sub-No. 81), filed June 16, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representatives: Warren D. Braucher and Ernest Porter, 604 Rio Grande Building, Denver, Colo. 80217. Authority sought as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, household goods as defined by the Commission, and those injurious or contaminating to other lading; (1) between Antonito, Colo., and the Colorado-New Mexico State line, from Antonito, Colo., over Colorado Highway 17 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points and serving the off-route points in that part of Conejos and Rio Grande Counties, Colo., located south of U.S. Highway 160 and west of U.S. Highway 285; and (2) between Antonito, Colo., and Chama, N. Mex., from Antonito, Colo., over U.S. Highway 285 to Tres Piedras, N. Mex., thence over U.S. Highway 64 to Tierra Amarilla, N. Mex., thence over U.S. Highway 84 to its junction with New Mexico State Highway 17 (approximately 4 miles east of Monero, N. Mex.), and thence over New Mexico State Highway 17 to Chama, N. Mex., and return over the same routes, serving all intermediate points and serving the off-route points of No Agua, N. Mex. (approximately 7 miles north of Tres Piedras), the plantsite of Johns-Manville Corp. located approximately 1½ miles east of No Agua; and the plantsite of the United Perlite Corp. located approximately 16 miles east of No Agua. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 64932 (Sub-No. 477), filed June 9, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plant site of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72231 (Sub-No. 4), filed June 11, 1969. Applicant: THE J. W. JONES & SON COMPANY, a corporation, Post Office Box 148, Youngstown, Ohio 44501. Applicant's representative: John R. Sims, Jr., 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packinghouse products, and dairy products*, from Youngstown, Ohio, to points in Belmont and Jefferson Counties, Ohio; Brooke, Hancock, Marshall, and Ohio Counties, W. Va.; and points in Allegheny, Greene, Washington, Fayette, Westmoreland, Armstrong, Cambria, and Indiana Counties, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76032 (Sub-No. 245), filed June 20, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo 80223. Applicant's representative: William E. Kenworthy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver bullion, dore bullion, and fine silver alloys*, between Los Angeles and Barstow, Calif., from Los Angeles over Interstate Highway 10 to junction Interstate Highway 15, thence over Interstate Highway 15 to Barstow, and return over the same route, serving the intermediate and off-route points of El Monte and Fontana, Calif., and serving Barstow, Calif., for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

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

No. MC 95540 (Sub-No. 750), filed June 9, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay tile and related items*, from Lakeland, Fla., to points in Colorado, Connecticut, Delaware, District of Columbia, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; and (2) *commodities* used in the manufacturing, distribution, and/or installation of clay tile (except in bulk), on return. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 95540 (Sub-No. 751), filed June 20, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Seneca Foods Corp., at Dundee, Penn Yan, Geneva, and Williamson, N.Y., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 105063 (Sub-No. 5), filed June 2, 1969. Applicant: W. H. TAYLOR, 2301 Southwest Hazel Road, Lake Oswego, Oreg. 97034. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone;* (a) from Lake Oswego, Oreg., to points in Klickitat and Lewis Counties, Wash.; and (b) between points in Clark, Cowlitz, Grays Harbor, Klickitat, Lewis, Pacific, Skamania, and Wahkiakum Counties, Wash.; restricted to traffic having a prior movement by rail carrier. NOTE: Applicant states the restriction is applicable only to part (b). Applicant further states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 105813 (Sub-No. 170), filed June 16, 1969. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest Third Street, Miami, Fla. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods, pet supplies, pet accessories, tonics, and animal supplements*, from Bayonne, Harrison, Bloomfield, Secaucus, and Jersey City, N.J., to points in Florida, Georgia, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106398 (Sub-No. 403), filed June 9, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from New Hanover County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicate authority is being sought. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wilmington or Raleigh, N.C.

No. MC 107162 (Sub-No. 23), filed June 13, 1969. Applicant: NOBLE GRAHAM, Brimley, Mich. 49715. Applicant's representative: Philip H. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from the port of entry on the international boundary line between the United States and Canada located at or near Sault Ste. Marie, Mich., to points in Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108068 (Sub-No. 81), filed June 13, 1969. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts and materials, equipment, tools, and supplies* used in the manufacturing of aircraft parts, between Sparta, Smithville, Monterey, Gainsboro, and Carthage, Tenn.; Tulsa, Okla.; Mountain Home and Melbourne, Ark.; and Long Beach and Torrance, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 111720 (Sub-No. 8), filed June 9, 1969. Applicant: RAY WILLIAMS AND ARLENE WILLIAMS, a partnership, doing business as WILLIAMS TRUCK SERVICE, 2800 East 11th Street, Post Office Box 40, Sioux Falls, S. Dak. 57101.

Applicant's representative: James R. Becker, 412 West Ninth Street., Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, and meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), when moving in mixed truckloads with meats, meat products, and meat byproducts and articles distributed by meat packinghouses, from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in West Virginia; Fayette, Washington, and Allegheny Counties, Pa.; Pike County, Ky.; Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn.; and points in Virginia on and west of U.S. Highway 21, under contract with Geo. A. Hormel & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sious Falls, S. Dak., or Minneapolis, Minn.

No. MC 111812 (Sub-No. 380), filed June 11, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: R. H. Jinks (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, restricted to traffic originating at Omaha, Nebr., and Council Bluffs, Iowa, and destined to the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111812 (Sub-No. 383), filed June 19, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold pack or frozen, from plantsites and storage facilities of Comstock Greenwood Foods, Borden, Inc., at Waterloo, Egypt, Rushville, Penn Yan, Newark, Lyons, Syracuse, Fairport, and Red Creek, N.Y., and West Chester, Pa., to points in New Mexico, Arizona, Colorado, Utah, Nevada, California, Idaho, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 95), filed June 16, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50252, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy syrup*, in bulk, in tank vehicles, from Remington, Ind., to Taylorville, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 118), filed June 12, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (a) from the plantsite and/or warehouse facilities of the Geo. A. Hormel & Co., Miami, Okla., to Algona, Iowa; and (b) from the plantsite and/or warehouse facilities of the Geo. A. Hormel & Co., Algona, Iowa, to Austin, Minn.; (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and *foodstuffs* (except meats, meat products, meat byproducts, and articles distributed by meat packinghouses), as described above when transported in mixed truckloads with meat, meat products, meat byproducts, and articles distributed by meat packinghouses, from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Kansas, Missouri, Arkansas, Mississippi, and Louisiana, restricted to shipments originating at the plantsites and/or warehouse facilities of Geo. A. Hormel & Co., in Miami, Okla.; Algona, Iowa; and Austin, Minn., and restricted to traffic destined to the named points or States. NOTE: Applicant states no duplicate authority is being sought. It further states the purpose of this application is to permit the carrier to handle intransit through Algona, Iowa, and to originate therein. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113267 (Sub-No. 218), filed May 29, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from St. Louis and Kansas City, Mo., to points in Iowa and Minnesota. Restriction: Shipments from St. Louis and Kansas City, Mo., must be combined with shipments originating at Crossett, Ark. (currently authorized), for delivery in Iowa and Minnesota. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113843 (Sub-No. 150), filed June 16, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: J. H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago Heights, Elk Grove Village, and Shaumberg, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 200), filed June 18, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nails and wire products*, from ports of entry on the international boundary line between the United States and Canada located in Washington, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Iowa, Indiana, Michigan, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114194 (Sub-No. 152), filed June 12, 1969. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Dupo, Ill., to points in Missouri, Illinois, Iowa, Indiana, Kentucky, Tennessee, Arkansas, and Kansas. NOTE: Applicant states it

does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 114312 (Sub-No. 13), filed June 19, 1969. Applicant: ABBOTT TRUCKING, INC., 107½ Main Street, Delta, Ohio 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials, and fertilizer ingredients;* (a) from Toledo, Ohio, to points in New York; (b) from Bascom, Greenville, and Lodi, Ohio, to points in Indiana and Illinois; and (c) from Joliet, Ill., to points in Indiana, Illinois, Michigan, and Ohio; (2) *feed, feed ingredients, and grain products*, from Toledo, Ohio, to points in New York, Pennsylvania, West Virginia, Illinois, and Wisconsin; and (3) *coal*, from Detroit, Mich., to points in Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114848 (Sub-No. 44) (Amendment), filed March 27, 1969, published in FEDERAL REGISTER issue of April 24, 1969, amended June 17, 1969, and republished as amended this issue. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Memphis, Tenn., to points in Missouri, Arkansas, Mississippi, Alabama, Tennessee, and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to omit "in bulk", as previously published. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 115162 (Sub-No. 174), filed June 5, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Physical fitness, gymnastic, athletic, and sporting goods equipment, barbells, bars, pipe, tubing, exercycles, and boat anchors*, between the plantsite of Diversified Products Corp. at West Haven, Conn., and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and Louisiana, Texas, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Washington, D.C.

No. MC 115273 (Sub-No. 8), filed June 16, 1969. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, N.Y. 11215. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb bodies*, from Garden City, N.Y., to Corn Husker Army Ammunition Plant, Grand Island, Nebr. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115841 (Sub-No. 354), filed June 20, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. Applicant's representatives: C. E. Wesley (same address as applicant), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), from Dundee, Penn Yan, and Geneva, N.Y., to points in West Virginia and Kentucky; and (2) *materials and supplies* used by foods processors on return. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 267), filed June 16, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds, liquid animal feed supplements, liquid animal feed ingredients, and molasses*, in bulk, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 116544 (Sub-No. 103), filed June 16, 1969. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Street, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, and preserved foodstuffs*, from Austin, Ind., to points in Arkansas, Oklahoma, Texas, Louisiana, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 117344 (Sub-No. 193), filed June 9, 1969. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp., at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117765 (Sub-No. 83), filed June 12, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pitch, lignin*, dry in bag or barrel, from the plantsite and facilities of American Can Co., Green Bay and Rothschild, Wis., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 121425 (Sub-No. 2), filed June 4, 1969. Applicant: HUDGEL TRANSFER CO., INC., 1323 North 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. 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 Arizona. NOTE: Applicant states that it would tack at any point where authority sought herein, would connect with the authority of Johnson Van Lines sought to be acquired by application form BF-200 being filed simultaneously herewith, and assigned No. MC-FC-71453. By this instant application, applicant seeks to convert a certificate of registration MC

121425 Sub 1 to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. 123048 (Sub-No. 149) (Amendment), filed February 28, 1969, published in the FEDERAL REGISTER issue of April 10, 1969, amended and republished this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul Martinson, Post Office Box A, Racine, Wis. 53401, and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities in vehicles equipped with mechanical refrigeration); (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: The purpose of this republication is to amend the commodity description. Applicant states it does not intend to tack if authority is granted in entirety, and is apparently willing to accept a restriction against tacking if warranted. However, applicant further states if authority is granted in part only, tacking would be done at any authorized common point with present authority held under MC 123048 and Subs thereto. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123048 (Sub-No. 154) (Clarification), filed May 13, 1969, published in FEDERAL REGISTER issue of May 29, 1969, clarified June 18, 1969, and republished as clarified, this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, and farm equipment;* and (2) *parts* of the commodities described in (1) above; from Hernando, Miss., to points in the United States (except Hawaii) and from Boise, Idaho, to Hernando, Miss. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 123067 (Sub-No. 89), filed June 19, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Savannah, Ga., to points in Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123067 (Sub-No. 90), filed June 19, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed jet fuel*, in bulk, from Douglasville, Ga., to Greensboro and Swannanoa, N.C., and Roanoke, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 387) filed June 16, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sand*, from Sewanee, Tenn., to points in Virginia. NOTE: Applicant states it could tack with its Sub 251 at Sewanee to provide service on silica sand from Guion, Ark., to Virginia, however, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Nashville, Tenn.

No. MC 124522 (Sub-No. 5), filed June 12, 1969. Applicant: CARLO C. DROGO, Delaware Avenue, Landisville, N.J. 08326. Applicant's representative: Robert B. Einhorn, 1540 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from Berlin, Williamstown Junction, Millville, and Vineland, N.J., to points in Massachusetts, under contract with Formigli Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124652 (Sub-No. 7), filed June 16, 1969. Applicant: JULIAN F. DUNCAN, doing business as DUNCAN TRANSFER, Post Office Box 1, Riverton, Va. 22651. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masony or mortar cement*, from Riverton, Va., to points in Connecticut under contract with Riverton Lime & Stone Co., Inc., Riverton, Va. NOTE: Applicant holds common carrier authority under MC 110422, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126128 (Sub-No. 6), filed June 16, 1969. Applicant: DEAN W. HONNENSIEFKEN, doing business as D. H. TRUCKING, Route 1, Box 241, Lyons, Oreg. 97358. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular rotues, transporting: *Lumber*, between points in Polk, Marion, Benton, Lane, Linn, Yamhill, and Multnomah Counties, Oreg., on the one hand, and, on the other, points in Multnomah, Clatsop, and Lincoln Counties, Oreg.; and points in Clark, Cowlitz, Lewis, Skamania, Klickitat, Skagit, Snohomish, King, and Pierce Counties, Wash. NOTE: Applicant states that to some degree the instant application is duplicative, but applicant intends the authority sought be considered a single authority only. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126514 (Sub-No. 14), filed June 11, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calendar mounts, pads, paper, advertising materials, and calendars*, from Sidney, N.Y., to Los Angeles and San Francisco, Calif.; Sparks and Reno, Nev.; Seattle, Wash.; and Portland, Oreg.; and (2) *cosmetics, toilet preparations, perfumes, soap, and advertising materials and displays*, in vehicles equipped with mechanical refrigeration, from Port Jervis, N.Y.; Mountaintop, Pa.; and Newark, N.J., to Sparks and Reno, Nev.; Seattle, Wash.; and Portland, Oreg. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y., Washington, D.C., or Los Angeles, Calif.

No. MC 127561 (Sub-No. 1), filed June 8, 1969. Applicant: W. R. RIVERS, INC., 228 West Pine Street, Post Office Box 895, Hattiesburg, Miss. 39401. Applicant's representative: Dudley W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lucedale and Poplarville, Miss., over Mississippi Highway 26, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hattiesburg, Miss.

No. MC 127834 (Sub-No. 35), filed June 16, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, sign parts, and accessories therefor*, from Chicago, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128302 (Sub-No. 5), filed June 9, 1969. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in tank vehicles, from Reynolds, Ga., and Springfield, Mo., to points in the United States (except points in the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). NOTE: Applicant presently holds authority under permit MC 112184 Sub-No. 2 and subs thereunder, therefore, dual operations may be involved. Applicant states it serves shippers, none of whom produce, ship, or receive involved commodities. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128353 (Sub-No. 3), filed June 16, 1969. Applicant: LEE J. PRENTICE, West Bend, Iowa 50597. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock, sand, and gravel*, in bulk, from points in Worth County, Iowa, to points in Blue Earth, Dodge, Faribault, Freeborn, Martin, Mower, Waseca, and Steele Counties, Minn. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128586 (Sub-No. 3), filed June 16, 1969. Applicant: FEED HAULERS, INC., 1701 Thomas Avenue, Guntersville, Ala. 35976. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry offal meal*, from Geraldine and Trussville, Ala., to Denver, Colo., and Davenport and Clinton, Iowa, under contract with Ralston Purina Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 129808 (Sub-No. 4), filed June 16, 1969. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., Rural Route No. 3, Box 46, Municipal Airport, Grand Island, Nebr. 68801. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal scaffolding towers*, (knocked down), *conveyors, pumps, and parts and accessories* for such products, from Yankton, S. Dak., to points in the United States (except Alaska and Hawaii), under contract with Morgen Manufacturing Co., Yankton, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 133179 (Sub-No. 1), filed June 16, 1969. Applicant: RAYMOND BARTLESON, doing business as: COLORADO CONTRACT CARRIER, 1230 Seventh Street, Post Office Box 5703, Denver, Colo. 80217. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickles and peppers*, in containers; (a) from Denver and Fort Collins, Colo., to points in Oklahoma, Kansas, Texas, and New Mexico; and (b) Albuquerque, N. Mex., to Denver, Colo.; (2) *salt*, from Lyons and Hutchinson, Kans., to Fort Collins and Denver, Colo.; (3) *sugar*, from Hereford and Amarillo, Tex., to Denver and Fort Collins, Colo.; and (4) *glass jars*, from Ada, Muskogee, Sand Springs, Okmulgee, Okla., and Waco, Tex., to Denver and Fort Collins, Colo.; all under contract with Dreher Pickle Co., Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133536 (Sub-No. 1), filed June 13, 1969. Applicant: DOVER MOVING & STORAGE, INC., 753 North Du Pont Highway, Dover, Del. 19901. Applicant's representative: Wilmer A. Hill, Suite 705, McLachlen Bank Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Delaware, those points in Northampton and Accomack Counties, Va., and those in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, Md., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133655 (Sub-No. 7), filed June 13, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors and furniture parts*, from Toccoa, Ga., to Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133725 (Sub-No. 2), filed June 13, 1969. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, N.J. 08854. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and materials* used in installation of such commodities, from Roselle Park, N.J., to Philadelphia, Pa., New York, N.Y.; points in Nassau and Suffolk Counties, N.Y., points in Massachusetts, Rhode Island, Connecticut, Delaware, and those in Maryland on and east of U.S. Highway 15 (except Baltimore, Md.); under contract with Midas International Corp. NOTE: If a hearing is deemed necessary applicant requests it be held at Newark, N.J.

No. MC 133739 (Sub-No. 1), filed June 9, 1969. Applicant: KINGSVILLE MOVING & STORAGE, INC., 517 South Sixth Street, Post Office Box 448, Kingsville, Tex. 78363. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized used household goods*, between Kingsville, Tex., and points within a 25-mile radius of Kingsville, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio or Austin, Tex.

No. MC 133761 (Sub-No. 1) (Amendment), filed May 28, 1969, published FEDERAL REGISTER issue of June 26, 1969, amended and republished as amended, this issue. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 100–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, other than those designed to be drawn by passenger automobiles, *containers and chassis*; (a) between Middletown, N.Y., and Port Jervis, N.Y.; and (b) from Middletown, N.Y., to Fairless Hills, and Philadelphia, Pa.; Norfolk, Va., Baltimore, Md., and points in the New York, N.Y., commercial zone, as defined by the Commission, in 53 M.C.C. 451, within which local operations may be conducted under the exemption provisions provided by section (b)(8);

and (2) *trailers*, other than those designed to be drawn by passenger automobiles, and *trailer parts*, from Fairless Hills, Pa., to Middletown, N.Y., all under contract with Strick Corp. NOTE: The purpose of this republication is to enlarge the territorial description. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 133773 (Clarification), filed May 23, 1969, published FEDERAL REGISTER issue of June 19, 1969, and republished as clarified this issue. Applicant: JOHN YACONIELLO, JR., doing business as ALL STATES DRIVE-A-WAY SERVICE, 450 Main Street, East Hartford, Conn. 06118. Applicant's representative: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* in driveaway service, between points in Connecticut on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show Hawaii as an exception in territory description. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York, N.Y., or Washington, D.C.

No. MC 133789, filed June 2, 1969. Applicant: BIG SKY FARMERS AND RANCHERS MARKETING COOPERATIVE OF MONTANA, a corporation, 16124 Bloomfield Avenue, Post Office Box 566, Artesia, Calif. 90701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives*, moving on Government bills of lading, between points in Kentucky, Tennessee, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Maine, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Michigan, Minnesota, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Utah, and Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 133799, filed June 5, 1969. Applicant: METROPOLITAN MOVING & STORAGE, INC., 8130 Eastern Boulevard, Baltimore, Md. 21224. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; between Washington, D.C., and points in Maryland (restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders of used household goods). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133805, filed June 11, 1969. Applicant: LONE STAR CARRIERS, INC., 740 North Houston, Post Office Box 11304, Fort Worth, Tex. 76109. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by National Beef Packing Company at/or near Liberal, Kans., to points in the States of Utah, Idaho, Florida, Washington, Oregon, Montana, Wyoming, North Dakota, South Dakota, and Nevada (restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 133806, filed May 21, 1969. Applicant: CLEARENCE C. TROUT, 346 Wilcox Avenue, Elgin, Ill. 60120. Applicant's representative: Thomas A. Keegan, 1116 Rockford Trust Building, Rockford, Ill. 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from O'Hare International Airport, Chicago Midway Airport, Meigs Fields, Chicago, Ill., to Marengo, Elgin, Rockford, Ill., area. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133812 (Correction), filed June 10, 1969, published FEDERAL REGISTER, issue of July 3, 1969, and republished as corrected this issue. Applicant: LEON OLSEN, ALBERT OLSEN, AND WILLIAM OLSEN, a partnership, doing business as LEON OLSEN TRUCKING COMPANY, 900 Wisconsin Street, Pine Bluff, Ark. 71601. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore* in bulk, in dump vehicles, from barge line port or ports on the Arkansas River at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark. NOTE: The purpose of this correction is to show the correct docket number MC 133812 in lieu of MC 133182, which was in error. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133817, filed June 16, 1969. Applicant: CELLI TRANSPORT COMPANY, a corporation, 10328 West Belle Plaine, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Chicago, Ill., and points in the Chicago, Ill., commercial zone and Lemont, Ill., to points in Indiana and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133834, filed June 16, 1969. Applicant: HARBOR CARTAGE, INC., 3910 West Fort Street, Detroit, Mich. 48209. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bay, Midland, and Saginaw Counties, Mich., on the one hand, and, on the other, the Detroit Metropolitan Airport located at or near Romulus, Mich., and the Detroit Willow Run Airport located at or near Ypsilanti, Mich., restricted to traffic originating at or destined to the plantsites and distribution facilities of the Dowe Chemical Co. and Dowe-Corning Corp., and further restricted to traffic having an immediate prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 133772, filed May 23, 1969. Applicant: CHARTERED BUS SERVICE, INC., 1551 Azalea Garden Road, Norfolk, Va. 23502. Applicant's representative: John M. Cleary, 914 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with the passengers in special and chartered operations, in round-trip tours, beginning and ending at Portsmouth, Norfolk, Chesapeake, Virginia Beach, Hampton, and Newport News, Va., and extending to points anywhere in the Continental United States, including ports of entry on the international boundary of the United States and Canada and Mexico, under contract with Jewish Community Center, Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Richmond or Norfolk, Va.

APPLICATION OF FREIGHT FORWARDERS

No. FF-266 (Sub-No. 2) (Clarification), HAWAIIAN EXPRESS SERVICE, INC., Extension—NEVADA, filed June 9, 1969, published FEDERAL REGISTER issue of June 19, 1969, clarified and republished this issue. Applicant: HAWAIIAN EXPRESS SERVICE, INC., 646 First Street, San Francisco, Calif. 94107. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, Calif. 94104. NOTE: The purpose of this partial republication is to show U.S.

Highway 6 in lieu of Interstate Highway 6 in territorial description. The rest of the application remains as previously published.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130086, filed May 13, 1969. Applicant: WALLACE D. MAXAM, GERALD B. HAUSER, MRS. AILEEN SWEIDA, AND MRS. SYLVIA KORALEWSKI, a partnership, doing business as MAXAM TOUR AND TRAVEL, 4531 West Forest Home Avenue, Milwaukee, Wis. For a license (BMC 5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in special or charter operations, beginning and ending at points in Milwaukee County, Wis., and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2253 (Sub-No. 39), filed June 19, 1969. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile and related articles and commodities used in the installation thereof*, from Lakeland, Fla., to points in Georgia, South Carolina, Virginia, Pennsylvania, New Jersey, New York, Delaware, Maryland, and West Virginia. NOTE: Applicant states that it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted.

No. MC 128279 (Sub-No. 10), filed June 17, 1969. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 LeVeta Drive NE, Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, and *materials and supplies* used in the installation or distribution thereof, from Rosario, N. Mex., to points in Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8051; Filed, July 9, 1969; 8:45 a.m.]

[S.O. 994; ICC Order 29]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of N. Thomas Harris, agent, the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic over its line between Keyes and Forgan, Okla., because of derailment and track damage.

It is ordered, That:

(a) The Missouri-Kansas-Texas Railroad Co., being unable to transport traffic over its line between Keyes and Forgan, Okla., because of derailment and track damage, that line and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Missouri-Kansas-Texas Railroad Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3 p.m., July 3, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., July 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 3, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-8137; Filed, July 9, 1969; 8:50 a.m.]

[Notice 373]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71166. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Schiffmann Moving & Cartage Co., Inc., 4618 West Woolworth Ave., Milwaukee, Wis. 53218, of the certificate No. MC-23036 issued April 22, 1949, to Emil P. Reinhardt, doing business as Schiffmann Cartage Co., 4618 West Woolworth Ave., Milwaukee, Wis. 53218, authorizing the transportation of: Household goods, as defined by the Commission, between points in Milwaukee County, Wis., and points in Wisconsin, Minnesota, Iowa, Illinois, Indiana, and Michigan, in a radial movement.

No. MC-FC-71423. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Everett Delivery Service, Inc., Detroit, Mich., of the operating rights in permit No. MC-126896 issued September 22, 1965, to Gene F. Everett, doing business as Everett Delivery Service, Detroit, Mich., authorizing the transportation of exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith, between Detroit, Mich., on the one hand, and, on the other points in Genesee, Livingston, Macomb, Oakland, St. Clair, Washtenaw, and Wayne Counties, Mich. Wallace D. Riley, Riley and Roumell, 2200 Penobscot Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-71430. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Melvin A. Bolstad Paradise, Calif., of certificate of registration No. MC-98392 (Sub-No. 1), issued October 22, 1963, to Myron Bolstad, doing business as Paradise Freight Line, Paradise, Calif., authorizing the transportation of general commodities between Chico and Stirling City, Calif., and intermediate points via Doon, Lovelock, De Sable, Nagalia, and Paradise, Calif. Edward J. Hegarty, 21st Floor, 100 Bush Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8138; Filed, July 9, 1969; 8:50 a.m.]

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