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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

Places Where Information May be Obtained

Correction

In F.R. Doc. 69-8949 appearing at page 12425 in the issue of Wednesday, July 30, 1969, in § 294.105(a), fifth line from the bottom, the phrase "U.S. Civil Commission" should read "U.S. Civil Service Commission".

Title 7—AGRICULTURE

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

[§ 958.314]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agriculture Marketing Agreement Act of 1937, as amended 7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) The recommendations of the Committee reflect its appraisal of the composition of the 1969 crop of Idaho-Eastern Oregon onions and of the marketing prospects for this season. Harvesting of early transplant onions has already begun and harvesting of the regular late summer onion crop planted from seed is expected to begin on or about August 18.

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

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

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop onions grown in the production area have already begun, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) the time intervening between the date of the committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient, (4) compliance with this section will not require any special preparation by handlers which cannot be completed by the effective date, and (5) information regarding the committee's recommendations relating to the marketing policy and proposed regulations was made available to producers and handlers in the production area.

§ 958.314 Limitation of shipments.

During the period August 8, 1969, through June 15, 1970, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured" as defined in paragraph (e) of this section or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section, and beginning August 18, 1969, no persons may handle any lot of such onions unless they meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section.

(a) *Grade, size and pack requirements*—(1) *Yellow varieties.* U.S. No. 1, 2 inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 2 inches minimum diameter.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, or better, grade, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Special purpose shipments.* The minimum grade, size and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Grades of Onions (§§ 51.2830—51.2854 of this title). The term "moderately cured" means the onions are mature and are definitely fairly well cured but they need not be completely dry. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

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

Dated August 1, 1969, to become effective August 8, 1969.

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

[F.R. Doc. 69-9219; Filed, Aug. 5, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Movement of Swine and Swine Products

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962, cited below, the regulations relating to hog cholera and other communicable swine diseases (9 CFR Part 76) are hereby amended in the following respects:

1. Section 76.11 is amended to read as follows:

§ 76.11 Movement of swine and swine products from or through a quarantined area.

Swine and swine products may be moved interstate from or through a quarantined area only in accordance with the provisions of this section and §§ 76.1–76.6 and 76.13–76.33.

(a) *Movement of swine from a quarantined area.* Swine, except those subject to § 76.5 or § 76.6, may be moved interstate under this part from a farm of origin in a quarantined area directly to a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) if:

(1) A permit is obtained from the Livestock Sanitary official of the State of destination for the movement of such swine into that State for immediate slaughter,[1]

(2) All swine on the premises of origin including the swine to be moved interstate are inspected on the premises of origin by a State or Federal veterinarian or an accredited veterinarian within 24 hours prior to the time the interstate movement is to begin and all swine on the premises are found to be free from symptoms of hog cholera and other contagious and infectious diseases of swine, except as provided in § 71.3(d)(1)–(4) of this chapter, and from known exposure to such diseases,

(3) The swine so moved are accompanied by a certificate issued by the inspecting veterinarian showing:

(i) That all swine in the herd of origin, including those covered by the certificate were inspected by him as prescribed in subparagraph (2) of this paragraph and found to be free from symptoms of hog cholera and other contagious and infectious diseases of swine, except as provided in § 71.3(d)(1)–(4) of this chapter, and from known exposure to such diseases,

(ii) The Consignee,

(iii) The Consignor,

(iv) The number of swine covered by the certificate,

(v) The individual eartag identification number of each animal covered by the certificate, and

(vi) A statement to the effect that swine covered by the certificate must be moved directly to a federally inspected slaughtering establishment for immediate slaughter without contact with other swine; shall not be unloaded en route; and shall not be diverted for any purpose; and

(4) All vehicles and equipment used in transporting the swine from the quarantined area are cleaned and disinfected in accordance with §§ 76.30, 76.31, and 76.33 under State or Federal supervision immediately following unloading.

(b) *Movement of swine products from a quarantined area.* Swine products, not derived from swine affected with or exposed to hog cholera, may be moved interstate from a quarantined area if they were produced in a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

(c) *Movement of swine and swine products through a quarantined area.* Swine or swine products which are moved interstate in transit between points in nonquarantined areas through any quarantined area will be subject to all the requirements of this section for movement from a quarantined area if they are unloaded in the quarantined area unless all facilities[2] to be used therein in connection with the unloading have been approved for such purpose by an inspector of the Division as having been cleaned and disinfected before such use as prescribed in §§ 76.31—76.33 under the supervision of a person authorized for the purpose by an inspector.

(d) *Approval of stockyards and livestock markets in a quarantined area.* The approved status of all stockyards and livestock markets approved for the purposes of the regulations in this part under § 76.16 which are located in an area placed under quarantine because of hog cholera, shall be suspended (only for purposes of this part) when such area is placed under quarantine and shall be restored when such area is released from quarantine only upon compliance with all provisions of § 76.16: *Provided*, That such stockyards and livestock markets which qualify under § 76.1(w) may operate as clean stockyards[3] for the purpose of receiving interstate shipments of slaughter swine from a nonquarantined area.

(e) *Public stockyards.* No public stockyard located in an area quarantined because of hog cholera may handle interstate shipments of swine for any purpose: *Provided*, That such a stockyard may operate as a clean stockyard for the purpose of receiving interstate shipments of slaughter swine from a nonquarantined area.

(f) *Quarantine of swine or detention of swine products moving interstate from quarantined area.* The Director of Division may order the quarantine of swine or the detention of swine products found to be moving interstate from a quarantined area in violation of regulations contained in this part. Release from quarantine or other disposition of such quarantined swine or release of swine products so detained to prevent the spread of disease will be subject to requirement of special processing under § 76.14 or any other conditions which may be specified by the Director as necessary to prevent the spread of hog cholera or other communicable diseases of livestock. Except for supervision, no expense incurred in quarantining or otherwise disposing of quarantined swine or in detaining or disposing of detained swine products will be borne by the Department of Agriculture.

§ 76.12 [Deleted]

2. Section 76.12 is deleted.

The foregoing amendments provide a practical means by which swine and swine products not known to be and not suspected of being exposed to hog cholera may be moved interstate from and through an area under Federal quarantine because of hog cholera by easing the restrictions as previously set forth in §§ 76.11 and 76.12 of this part. Experience has shown that the previous restrictions were unnecessarily restrictive, and could be relieved as provided herein without incurring risk of spread of hog cholera.

The amendments must be made effective immediately in order to be of maximum benefit to affected persons. Accordingly under the administrative procedure provisions in 5 U.S.C. 553, it is found on good cause that notice and public procedure on the amendments are impracticable and unnecessary and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134–134h; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 31st day of July 1969.

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

[F.R. Doc. 69-9218; Filed, Aug. 5, 1969; 8:48 a.m.]

[1] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

[2] Information as to currently approved facilities and clean stockyards may be obtained from the Veterinarian in Charge, ARS, in the State in which they are located.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-SW-54; Amdt. 39-812]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

There has been one failure of the spool valve wire drive of a hydraulic actuator in the cyclic control system of the Bell 206A helicopters that resulted in a high force input to the control system. Since this condition is extremely hazardous and is likely to exist in other helicopters of the same type design, an airworthiness directive is being issued to require the replacement of the cyclic, collective and directional actuators with actuators that have a wire drive with improved design.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to all Bell Model 206A helicopters with wire drive P/N 30000649 installed in control system hydraulic actuators P/N 41103750, P/N 41103750-2 or P/N 41103650-005.

Compliance required as follows after the effective date of this AD unless already accomplished:

1. For helicopters with 850 hours or more of hydraulic actuator time, compliance is required within the next 25 hours of flight time.

2. For helicopters with less than 850 hours of hydraulic actuator operating time, compliance is required when 875 hours of hydraulic actuator time has been attained.

To prevent hazardous forces in the control system resulting from failure of the spool valve wire drive, accomplish the following:

Remove all cyclic, collective and directional hydraulic actuators P/N 41103750, 41103750-2, and 41103650-005 and replace with Hydraulic Research and Manufacturing hydraulic actuators P/N 41103750-003 (cyclic and collective) and 41103650-007 (directional).

(Bell Helicopter Co. Service Bulletin No. 206A-12 dated 7-25-69 pertains to this matter.)

This amendment becomes effective on August 6, 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 Fort Worth, Tex., on July 25, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-9209; Filed, Aug. 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-23]

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

Alteration of Control Zone, Transition Area, and Additional Control Areas; Correction

On July 3, 1969, F.R. Doc. 69-7862 was published in the FEDERAL REGISTER (34 F.R. 11182) which amends Part 71 of the Federal Aviation Regulations, effective 0901 G.m.t., July 24, 1969. Paragraph number "1" of that document contains an incorrect FEDERAL REGISTER citation number "(34 F.R. 5449)," which should read "(34 F.R. 4549)."

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, F.R. Doc. 69-7862 is amended, effective immediately, as follows:

In paragraph number "1," "Section 71.163 (34 F.R. 5449)" is deleted and "Section 71.163 (34 F.R. 4549)" is substituted therefor.

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

Issued in Washington, D.C., on August 1, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9210; Filed, Aug. 5, 1969; 8:47 a.m.]

[Regulatory Docket No. 9031]

[Special Federal Aviation Reg. 19A]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Secret Service Agents; Admission to Flight Deck

The purpose of this Special Federal Aviation Regulation is to continue the authorization of Secret Service Agents to be admitted to, and occupy a seat on, the flight deck of an aircraft carrying any person whose protection is a responsibility of the U.S. Secret Service under the laws of the United States.

The U.S. Secret Service is given protective responsibilities for the President of the United States, the Vice President, and other specified persons (18 U.S.C. section 3056). In addition, by a Joint Resolution of the Congress, the U.S. Secret Service has been given responsibility for furnishing protection to persons determined to be major presidential or vice presidential candidates (Public Law 90-331; 90th Cong., H. J. Res. 1292). The Joint Resolution directs Federal departments and agencies to assist the Secret Service, when requested by the Director thereof, in the performance of its protective duties under the Code and the Joint Resolution.

The Director of the Secret Service has requested an indefinite extension of Special Federal Aviation Regulation No. 19, issued on July 24, 1968, which authorizes a Secret Service Agent to ride in the flight deck area of an aircraft in the performance of his protective responsibilities when a person the agent protects is aboard an aircraft. The Secret Service is of the opinion that the authorization contained in the regulation is an important security measure.

Since the Secret Service has requested indefinite authorization, the FAA will initiate rule-making action to incorporate this authorization into Part 121 of the Federal Aviation Regulations. However, considering the urgent nature of this recent request for extension and the limited time remaining before termination of the present authorization on July 31, 1969, notice and public procedure would be impracticable. Therefore, the FAA has determined that under the circumstances the authorization should be further extended by means of a Special Federal Aviation Regulation for a period of 1 year.

This Special Federal Aviation Regulation authorizes agents of the Secret Service to enter the flight deck of an aircraft operated by an air carrier or commercial operator and to occupy an observer seat on that aircraft. It does not provide for free or reduced rates of transportation for those agents not otherwise authorized by law.

For the foregoing reasons, I find that notice and public rule-making procedures are impracticable at this time and that good cause exists for making this Special Federal Aviation Regulation effective on less than 30 days notice.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted to become effective July 31, 1969.

Contrary provisions of the Federal Aviation Regulations notwithstanding, whenever an Agent of the Secret Service who is assigned the duty of protecting a person aboard an aircraft operated by an air carrier or commercial operator considers it necessary in the performance of his duty to ride on the flight deck of that aircraft, he shall upon request and presentation of his Secret Service credentials to the pilot in command of the aircraft, be admitted to the flight deck and permitted to occupy an observer seat thereon.

This Special Federal Aviation Regulation shall terminate on July 31, 1970, unless sooner superseded or revoked by the Administrator.

(Secs. 313(a), 601, Federal Aviation Act of 1958, 72 Stat. 752, 755; 49 U.S.C. 1354(a), 1421; Public Law 90-331, 90th Cong., H.J. Res. 1292, June 6, 1968)

Issued in Washington, D.C., on July 31, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9217; Filed, Aug. 5, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Tolerances for Related Pesticide Chemicals

Correction

In F.R. Doc. 69-8799 appearing at page 12434 in the issue of Wednesday, July 30, 1969, in § 120.3(e)(5), the first entry in the third column on page 12435 should read:

m-(1-Methylbutyl) phenyl methylcarbamate.

Title 41— PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–1—GENERAL

1. In § 8–1.305–6, paragraph (e) is amended and paragraphs (f), (g), and (h) are added so that the amended and added material reads as follows:

§ 8–1.305–6 Military and departmental specifications.

* * * * *

(e) In the absence of mandatory documents, specifications or purchase descriptions of other agencies may be used by the various marketing divisions when appropriate. These specifications or purchase descriptions may be modified to meet the needs of the Veterans Administration. However, if repeated use of these specifications or purchase descriptions is required, the Assistant Director, Supply Service for Marketing, will consider converting them to a Veterans Administration specification.

(f) A field station may use a specification or purchase description of another agency without prior approval when the specification or description will, without modification, satisfy its needs. If, however, the specification or description must be modified to meet the station's needs, a request setting forth the extent of such modification will be submitted to the Director, Supply Service, for approval prior to purchase.

(g) The Director, Publications Service is responsible for developing, publishing, and distributing Veterans Administration specifications covering printing and binding.

(h) Veterans Administration specifications, as they are revised, are placed in stock in the Forms and Publications Depot. Station requirements of these specifications will be requisitioned from that source.

2. Section 8–1.305–50 is revised to read as follows:

§ 8–1.305–50 Government paper specification standards.

Invitations for bids, requests for proposals, purchase orders, or other procurement instruments covering the purchase of paper stocks to be used in duplicating or printing, or which specify the paper stocks to be used in buying printing, binding, or duplicating will require that such paper stocks be in accordance with the Government Paper Specification Standards issued by the Joint Committee on Printing of Congress.

PART 8–3—PROCUREMENT BY NEGOTIATION

3. In § 8–3.207, paragraph (a) is amended to read as follows:

§ 8–3.207 Medicines or medical supplies.

(a) *General.* (1) Except as provided in this § 8–3.207 or when specific prior approval has been granted by the Director, Supply Service to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1–3.207, when the estimated cost of the item(s) required, singly or collectively, is in excess of $2,500 for a single transaction.

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8–3.207, that individual is authorized to consummate contracts in the same manner, and in the same amount, as the incumbent of the position.

* * * * *

4. In § 8–3.209, paragraph (a) is amended to read as follows:

§ 8–3.209 Subsistence supplies.

(a) (1) Except as provided in this § 8–3.209 or when specific prior approval has been granted by the Director, Supply Service to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1–3.209 when the estimated cost of the item(s) required, singly or collectively, is in excess of $2,500 for a single transaction.

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8–3.209, that individual is authorized to consummate contracts in the same manner, and in the same amount, as the incumbent of the position.

* * * * *

PART 8–7—CONTRACT CLAUSES

5. Section 8–7.150–22 is revised to read as follows:

§ 8–7.150–22 Services provided eligible beneficiaries.

The following clause will be included in all contracts covering services provided to eligible beneficiaries:

NONDISCRIMINATION IN SERVICES PROVIDED BENEFICIARIES

The contractor agrees to provide all services specified in this contract for any person determined eligible by the Chief Medical Director, or his designee, regardless of the race, color, religion, sex, or national origin of the person for whom such services are ordered. The contractor further warrants that he will not resort to subcontracting as a means of circumventing this provision.

PART 8–12—LABOR

6. Section 8–12.901 is added to read as follows:

§ 8–12.901 Statutory requirements.

With respect to any contract entered into under the authority of 38 U.S.C. 620 to provide nursing home care of veterans, the payment of wages not less than those specified in section 6(b) of the Fair Labor Standards Act of 1938, as amended, shall be deemed to constitute compliance with the provisions of section 2(b)(1) of the Service Contract Act of 1965. (38 U.S.C. 620(c))

7. Section 8–12.905–3 is revoked.

§ 8–12.905–3 Notice of intention to make a service contract. [Revoked]

8. Section 8–12.905–4 is added to read as follows:

§ 8–12.905–4 Use of minimum wage determinations and fringe benefit specifications.

When a contracting officer is unable to file the notice of intention required by FPR 1–12.905–3 within the time limit prescribed by paragraph (b) thereof, and a valid wage determination covering the mechanics or laborers who will be involved in the performance of the contract is not available, the invitation for bids or request for proposals will include one of the following:

(a) The wage determination covering this will, if received in sufficient time from the Department of Labor, be incorporated herein by amendment. This amendment must be acknowledged by the offeror; or

(b) The wage determination covering this proposed contract is not and will not be available prior to award. Therefore, the successful offeror certifies that the salaries paid workers involved in the performance of this contract (list mechanics, laborers, truck drivers or others utilized) are equal to or greater than those specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (section 2(b) of the Service Contract Act of 1965). If the wage determination when received shows salaries

greater than those certified by the contractor as being paid to the mechanics and/or laborers performing this contract, a change order covering the difference will be executed.

PART 8–16—PROCUREMENT FORMS

9. Subpart 8–16.4 is revised to read as follows:

Subpart 8–16.4—Forms for Advertised Construction Contracts

Sec.
8–16.401 Forms prescribed.
8–16.402 Required use.
8–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

AUTHORITY: The provisions of this Subpart 8–16.4 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–16.4—Forms for Advertised Construction Contracts

§ 8–16.401 Forms prescribed.

(a) In contracting for repairs to homes acquired by the Veterans Administration through the operation of the Loan Guaranty Program, VA Form 26–6724, Invitation, Bid and/or Acceptance or Authorization, will be used.

(b) Contracts authorized to be made by management brokers in amounts of $200 or less will be made as prescribed by the Chief Benefits Director.

§ 8–16.402 Required use.

§ 8–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

Standard Form 22, Instructions to Bidders, will be used in all advertised construction contracts, other than those specified in § 8–16.401, which are estimated to cost in excess of $2,000 but not more than $10,000.

These regulations are effective immediately.

Approved: July 29, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-9178; Filed, Aug. 5, 1969; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

Reclamation of Precious Metals and Critical Materials

This amendment adds new Subpart 101–42.3 which outlines responsibilities with respect to the reclamation of precious metals and critical materials. It provides guidelines for the reclamation of silver and requires reports on such reclamation. New Subpart 101–42.49 is also added to illustrate suggested formats for recording agency surveys and for reporting to GSA on the recovery of silver.

Part 101–42 is amended by the addition of new Subpart 101.42.3 and new Subpart 101–42.49, as follows:

Subpart 101–42.3—Reclamation of Precious Metals and Critical Materials

Sec.
101–42.300 Scope of subpart.
101–42.301 Reclamation determinations.
101–42.301–1 GSA responsibilities.
101–42.302 Recovery of silver from used photographic fixing solution and scrap film.
101–42.302–1 Agency surveys.
101–42.302–2 Reporting to GSA.
101–42.302–3 General guidelines for the recovery of silver from used photographic fixing solution.
101–42.302–4 Agencies' responsibility.
101–42.302–5 General guidelines for the recovery of silver from scrap film.
101–42.302–6 Detailed guidelines for recovery of silver from used photographic fixing solution and scrap film.

Subpart 101–42.4—101–42.48 [Reserved]

Subpart 101–42.49—Illustrations

101–42.4900 Scope of subpart.
101–42.4901 Survey format to evaluate the recovery potential of an activity of a Federal agency
101–42.4902 Format for semiannual reporting to GSA on the recovery of silver from used hypo solution and scrap film.

AUTHORITY: The provisions of Subpart 101–42.3 and Subpart 101–42.49 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–42.3—Reclamation of Precious Metals and Critical Materials

§ 101–42.300 Scope of subpart.

This subpart prescribes the policy and procedures for reclamation of precious metals and critical materials from articles of excess personal property.

§ 101–42.301 Reclamation determinations.

Situations will occur where, in terms of economy and efficiency, it is in the best interest of the Government to reclaim precious metals and critical materials from articles of excess personal property in lieu of other methods of disposal. GSA will determine when reclamation is appropriate, based on the supply-demand factor, the price of the commodity, and the cost of reclaiming the precious metal or critical material, each given proper weight. Precious metals that may be designated for recovery are gold, silver, and metals in the platinum group. Examples of silver-bearing scrap and waste include spent photographic hypo solution, photograpic and X-ray film, silver alloy film, dental scrap, etc. Strategic and critical materials, lists of which may be issued from time to time as provided in § 101–14.106, may also be designated for reclamation.

§ 101–42.301–1 GSA responsibilities.

GSA has the responsibility for the initation of Government-wide precious metals and critical materials reclamation programs, when it is determined to be in the best interest of the Government, and for the issuance and administration of applicable contracts, except those issued and administered by the Department of Defense for silver recovery and refinement operations.

§ 101–42.302 Recovery of silver from used photographic fixing solution and scrap film.

Heads of executive agencies shall be responsible for establishing, maintaining, and pursuing a program for silver recovery from used photographic fixing (hypo) solution and scrap film.

§ 101–42.302–1 Agency surveys.

Agencies having activities that generate used photographic fixing solution and scrap film and that do not have a recovery program shall survey each such activity to evaluate recovery potential and implement recovery procedures when economically feasible. Such surveys shall be made a matter of record and annually updated. A copy of each original or updated survey shall be made available upon request to the General Services Administration, Property Management and Disposal Service, Office of Personal Property Disposal—DP, Washington, D.C. 20405. Section 101–42.4901 illustrates a suggested format for recording survey data.

§ 101–42.302–2 Reporting to GSA.

Executive agencies generating used photographic fixing solution and scrap film shall report to the General Services Administration, Property Management and Disposal Service, Office of Personal Property Disposal—DP, Washington, D.C. 20405, on a semiannual basis, the number of activities recovering silver from hypo solution, the amount of silver recovered in terms of troy ounces, the method of recovery, the amount of silver recovered from scrap film, the method of recovery or disposal of scrap film, and the agency's estimate of savings for the period. Section 101–42.4902 illustrates a suggested format for the report. Reports shall cover the first 6 months and the last 6 months of each calendar year, and will be submitted within 30 days following the end of the reporting period.

§ 101–42.302–3 General guidelines for the recovery of silver from used photographic fixing solution.

The basic factors that determine the potential quantity of recoverable silver are: (a) The amount of used fixing solution generated; (b) the amount and type of film processed; and (c) the physical layout of the photographic facility. Since these factors may vary for each activity, no single method of recovery can be prescribed. Excess photographic fixing solutions will be processed so as to recover the maximum amount of silver from that present in the solution, consistent with overall economic feasibility. Recovery can be effected either by Government-owned equipment or by commercial recovery contractors. Chemical precipitation, metallic replacement, or electrolytic methods may be used. Various types of recovery equipment are available which permit economic silver recovery from both large and small quantities of used fixing solution.

§ 101–42.302–4 Agencies' responsibility.

Agencies should consider the possibility of installing a silver recovery unit regardless of the quantity of hypo solution generated. There are many types of units available which will permit economical recovery from large or small quantities of solution. Where an activity generates small quantities and tests show that there is a minimal amount of silver per gallon of solution, arrangements should be made with another agency in the area, which is using a recovery unit, to receive and process its hypo solution to the extent feasible. When consolidation with other agencies is not practicable, and information and assistance with regard to recovery techniques are required, the GSA regional office serving the area should be contacted. If the silver cannot be economically recovered by Government-owned equipment, or by a commercial recovery contractor, the solution should be disposed of in accordance with Part 101–45.

§ 101–42.302–5 General guidelines for the recovery of silver from scrap film.

Scrap film, the silver content of which varies according to the type of film and degree of exposure, is a source for reclamation. The easiest method of reclaiming silver from scrap film is to burn it. The destruction of scrap film by burning and reducing it to ash can provide economy through savings in transportation costs as well as the conservation of the silver. This must be done by controlled burning without an open flue. Recovery on site by this method should only be accomplished at those agencies or installations where adequate facilities exist and the local code on burning permits it. An indirect method of recovery is disposal by sale. In this method, film should be accumulated and periodically disposed of by sale in accordance with Part 101–45.

§ 101–42.302–6 Detailed guidelines for recovery of silver from used photographic fixing solution and scrap film.

Detailed guidelines and economic criteria for evaluating silver recovery potential and establishing recovery programs are contained in the GSA pamphlet, "Guide for the Recovery of Silver from Used Fixing Solution and Scrap Film" (FPMR 101–42), copies of which may be obtained from regional Property Management and Disposal offices of the General Services Administration, or from a Federal agency's GSA publications liaison officer.

Subpart 101–42.4—101–42.48 [Reserved]

Subpart 101–42.49—Illustrations

§ 101–42.4900 Scope of subpart.

This subpart illustrates suggested formats for recording and reporting as prescribed in this Part 101–42. Due to the limited requirement for this information, printed forms are not provided.

§ 101–42.4901 Survey format to evaluate the recovery potential of an activity of a Federal agency.

Agency ---------- Date ----------
Activity ---------- Supervisor ----------
Address ---------- Telephone No.------

1. How many gallons of exhausted fixing solution are generated per month at your activity? ------ gallons.
2. Average silver content per gallon. ------ Troy ounces.
3. Estimated monthly accumulation. ------ Troy ounces.
4. Number of locations at your activity where a silver recovery program is established. ------
5. Method of recovery.
6. Estimated monthly generation of scrap film. ------ pounds.
7. Type of scrap film generated: X-ray ---- Motion Picture ---- Other -----
8. Amount of silver recovered from scrap film monthly. ------ Troy ounces.
9. Method of recovery.
10. If your activity does not now have a silver recovery program, does it anticipate establishing such a program? Yes __ No __

§ 101–42.4902 Format for semiannual reporting to GSA on the recovery of silver from used hypo solution and scrap film.

Agency ---------- Date ----------
Address ---------- Report prepared by ----------
Period Covered------ Telephone No.------

1. Number of activities included in report ----------
2. Number of activities recovering silver from hypo solution ----------
3. Number of activities not recovering ------
4. Amount of silver recovered ---------- troy ounces.
5. Method of recovery.
6. Amount of silver recovered from scrap film ---------- troy ounces.
7. Amount of scrap film disposed ---------- pounds.
8. Method of recovery or disposal.
9. What disposition is made of recovered silver?
10. What is your estimate of savings for the period? Describe the formula used to compute the savings.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 29, 1969.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 69–9187; Filed, Aug. 5, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Allowability of Costs Incurred To Borrow Funds

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Subpart—Allowability of Costs Incurred To Borrow Funds

Sec.
1068.4–1 Applicability of this subpart.
1068.4–2 Policy.
1068.4–3 Funding delays.
1068.4–4 Processing procedure.
1068.4–5 Accounting.
1068.4–6 Record of requests.
1068.4–7 Delegate agency borrowing.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1068.4–1 Applicability of this subpart.

This subpart applies to all programs financially assisted under Titles I, II, and III–B of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by OEO.

§ 1068.4–2 Policy.

(a) Normally agencies (CAAs and other grantees) receiving grants from OEO are prohibited from using grant funds to pay interest or other charges incurred to borrow funds. This prohibition does not apply to the use of grant funds to defray interest costs incurred in approved business investment programs under Title I–D and other economic development grants. Grantees that run short of funds as a result of a delay in receiving a refunding grant are expected to, where possible, take the following steps to obtain temporary relief:

(1) Use their unexpended and carryover balances;

(2) Use other available OEO funds on a temporary basis;

(3) Arrange for temporary use of any other funds they may have;

(4) Postpone payment of all but fixed expenses, such as salaries;

(5) Obtain an interest free loan, if possible, or pay the loan cost from nongrant funds.

(b) If a grantee must obtain a loan to continue an approved program, and if the loan will accrue interest or incur other charges to be paid from grant funds, the grantee must obtain written permission from the appropriate OEO granting office to make such payments from grant funds. However, OEO normally will not give permission to use grant funds for this purpose if the:

(1) Time for which the grantee will have to borrow funds is less than ten (10) days; or

(2) Delay in the timely refunding of the grant is the fault of a grantee; or

(3) Grantee receives more than 50 percent of its funds from sources other than the Federal government.

(c) Permission to charge costs to a grant shall not be given to a grantee until the:

(1) Refunding grant has been signed by OEO and accepted by the grantee;

(2) Approvals required by section 232 (d) and 242 of the Economic Opportunity Act have been obtained, when required; and

(3) Grantee has been notified that costs may be incurred against the grant.

(d) Grantees shall not be given permission to charge to their OEO grant

interest and costs incurred to borrow funds to begin a new program.

§ 1068.4–3 Funding delays.

Field representatives must be aware of the refunding status of all grants they are responsible for. When it appears that there will be delay in releasing funds for a refunding grant through no fault of a grantee and the conditions of § 1068.4–2 (b) and (c) have been met, field representatives shall advise the grantee of the approximate time that may elapse before the funds are released. If a grantee finds it necessary to request authorization to charge borrowing costs to its grant as a result of this notification, a written request should be submitted to the processing unit to which the signed acceptance copy of the grant was returned.

§ 1068.4–4 Processing procedure.

(a) The following procedure is suggested for the use of OEO granting offices when processing requests for authorization to incur borrowing costs.

(b) When a processing unit receives a request to charge the cost of borrowing funds to a grant, it must verify that the conditions of § 1068.4–2 (b) and (c) have been met. For regional grants, the Regional Office will estimate the number of days that may elapse between the effective date of the refunding grant and the date when funds will be released. Consideration should then be given to the amount of carry-over funds (if any) the grantee estimated it would have before deciding whether to approve the request.

(c) For Headquarter's administered grants, the program analyst, program director and chief of the processing unit will be responsible for determining whether to recommend approval of borrowing requests.

(d) When a decision to recommend approval of a borrowing request is made, the granting office involved should estimate the maximum amount of funds that the grantee will need and which he may be authorized to borrow. The estimate should be based on: (1) knowledge of the grantees usual level of fixed monthly expenditures, and (2) discussions with the grantee. Generally, the estimate should only include funds needed for payment of fixed expenses such as salaries which cannot be deferred for a short period.

(e) A memorandum recommending approval of the request should be prepared and forwarded for the approval of the regional or headquarters official that authorized the grant (Regional Director for grants administered by the regions and Director of the Community Action Program for all other grants.)

(f) Grantees should be notified in writing or by telegram of the action taken on the request. The notification should include the following, if the request is approved:

(1) The maximum amount of funds that may be borrowed;

(2) The length of time for which interest or other charges may be incurred;

(3) The earliest date that interest charges may be incurred (prior interest is not chargeable to a grant);

(4) A statement that the interest rate may not exceed the current prime interest rate for commercial loans in the area where the grantee is situated;

(5) A statement that the CAA must have in its record a certification that no other funds are available for temporary transfer nor were interest-free loans available.

§ 1068.4–5 Accounting.

Authorized interest payments on loans and other expenses incident to borrowing will be charged as an item under "Other Expenditures" in grantee's financial record. Allowable costs connected with obtaining loans, such as travel expenses, should be charged to the usual accounts used to record these expenditures. Interest charges that are paid from other sources may not be credited as a non-Federal share contribution.

§ 1068.4–6 Record of requests.

Regional Offices and Headquarters Program Offices shall maintain a list of the grantees that request authorization to charge interest on loans to their grants. The list should be annotated to show the following information:

(a) Grantee name and grant number;

(b) Effective date of new program year and date grant action signed;

(c) Date grantee informed that costs could be incurred under the grant;

(d) Earliest date interest charges could be incurred and for how long;

(e) Maximum amount of loan;

(f) Whether it was necessary to extend the authorization for a longer period;

(g) Reason for the delay in releasing funds.

§ 1068.4–7 Delegate agency borrowing.

Interest payments on loans and other expenses incident to borrowing incurred by delegate agencies of grantees will not be allowed as charges against an OEO grant.

Effective date. This subpart shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69–9179; Filed, Aug. 5, 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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

The document amending Part 10 of Chapter I of Title 50 of the Code of Federal Regulations published in the FEDERAL REGISTER on Wednesday, July 30, 1969, at 34 F.R. 12439, is corrected by changing the dates of the mourning dove season in Arkansas from "Dec. 15–Jan. 15" to "Dec. 18–Jan. 11" in § 10.41 (b) of the table of seasons.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

Effective date. This correction becomes effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 1, 1969.

[F.R. Doc. 69–9173; Filed, Aug. 5, 1969; 8:45 a.m.]

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Birds

Correction

In F.R. Doc. 69–8783, appearing at page 12438 in the issue of Wednesday, July 30, 1969, the following corrections are made:

1. In paragraph (a) of § 10.41, the opening date for Virginia is corrected to read "Sept. 6".

2. In paragraph (c) of § 10.53, the closing date for Connecticut is corrected to read "Nov. 8" and the closing date for Maine is corrected to read "Nov. 9".

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7654–7655), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1969–70 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sports Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data, obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. Since this amendment benefits the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

Section 10.53(d) is revised to read as follows:

§ 10.53 Seasons and limits on waterfowl, gallinules, coots, and Wilson's snipe.

* * * * *

(d) (1) In Wisconsin, during the 1969–70 waterfowl season, the kill of Canada geese will be limited to not more than 25,000 birds; 17,000 of which may be taken in the area designated as the Horicon Zone and 8,000 in the remainder of the State.

Horicon Zone: The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Marquette, Waushara, Washington, and Winnebago Counties, bounded on the north by State Highway 21, on the east by U.S. Highway 45 from Oshkosh to Fond du Lac and then State Highways 175 and 83, on the south by State Highway 60, and on the west by State Highway 73.

CANADA GEESE

	Horicon zone	Remainder of State
Daily bag limit	1	1
Possession limit	1	2

Shooting hours: One-half hour before sunrise until sunset daily.

Seasons in:
Horicon Zone..... Oct. 18–Nov. 2.
Remainder of State.. To be selected.

(2) Seasons and tag validity: In the Horicon Zone, the hunting periods and numbers of valid permits and tags issued in each period will be as follows:

Period No.	Valid dates (inclusive)	Number of permits and tags issued	Days valid
1	Oct. 18-31	10,500	14
2	Oct. 20-Nov. 2	10,500	14

In the remainder of Wisconsin, excluding the Horicon Zone permits will be valid for the full length of the Canada goose season.

(i) (*a*) Each person must have been issued in his name and must carry on his person while hunting Canada geese a valid State hunting license, Migratory Bird Hunting Stamp, and a valid Canada goose permit and report card, to hunt Canada geese in Wisconsin during the 1969 season.

(*b*) In addition, each person must have been issued in his name and must carry on his person while hunting Canada geese in the Horicon Zone, a Canada goose tag attached to the Canada Goose Permit and report card. Licensed hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp. The required permits and tags are non-transferable.

(ii) (*a*) In the Horicon Zone to be valid, the tag must remain attached to the permit and report card until a Canada goose is reduced to possession. Then the tag must be removed from the permit and report card, and the permittee must immediately attach the tag securely around one leg of the Canada goose by compressing the adhesive surfaces together.

(*b*) The goose cannot be carried or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag may not be reused.

(iii) (*a*) It is mandatory that each person hunting in the Horicon Zone, report on tag use or nonuse, using the card provided.

(*b*) Outside the Horicon Zone, each permit holder must report the number of Canada geese he killed using the card provided. The report must be placed in the mail within 12 hours following the close of the period for which the permit was valid. Unused tags issued for the Horicon Zone must be returned attached to the corresponding report card.

(3) Application procedure:

(i) Applications will be made available to the public about the last week of August and must be mailed no later than September 13, 1969. All applications postmarked after September 13, 1969, will be disqualified, excepting applications from persons in the military service on duty outside the State during the regular application period. Such persons may apply anytime after September 14, 1969. Such applications must be accompanied by a notarized statement attesting such duty. Applications will be disqualified because of incompleteness, illegibility, tardiness in receipt, or duplication. A duplicate application will disqualify all applications by an individual.

(ii) In the Horicon Zone, each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags available, successful applicants will be randomly selected by electronic data processing (EDP) equipment. Nonresident applicants will not be discriminated against.

(iii) In the remainder of Wisconsin, outside the Horicon Zone, a permit and report card will be issued to each applicant. Applicants unsuccessful in receiving a permit, tag, and report card valid for the Horicon Zone will receive a permit and report card valid in the remainder of the State. Individual applicants may receive a permit, tag, and report card valid in the Horicon Zone or a permit and report card valid in the remainder of the State, but may not receive them for both zones.

(iv) Tags and permits will be issued in the name of individuals, and will be nontransferable. Applications must be signed by the person(s) requesting tags and permits.

(v) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin conservation department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1969.

[F.R. Doc. 69-9175; Filed, Aug. 5, 1969; 8:45 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

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.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Flint Hills National Wildlife Refuge, Kans., is permitted from December 6 through December 10, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

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 10, 1969.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

JULY 18, 1969.

[F.R. Doc. 69-9188; Filed, Aug. 5, 1969; 8:46 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

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.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrows on the Flint Hills National Wildlife Refuge, Kans., is permitted from

October 1 through November 30, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

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 November 30, 1969.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

JULY 18, 1969.

[F.R. Doc. 69-9189; Filed, Aug. 5, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

St. Vincent National Wildlife Refuge, Fla.

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

ST. VINCENT NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Vincent National Wildlife Refuge, Franklin County, Apalachicola, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 360 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations.

(1) The sport fishing season extends from date of this announcement through October 30, 1969.

(2) Fishermen are permitted on the refuge from 1 hour before sunrise to 1 hour after sunset.

(3) No motors of any type may be used.

(4) Users must follow designated routes of travel from the beach to the open fishing area.

(5) Boats may be left on the island at designated points during the open season provided they are identified with their owner's name and address. Boats must be removed from the refuge no later than October 30, 1969.

(6) Use of live minnows as bait is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 30, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 28, 1969.

[F.R. Doc. 69-9174; Filed, Aug. 5, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, Kans.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Sport fishing, including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing, including the taking of frogs, extends from March 15 through September 9, 1970, inclusive, although during the period September 10, 1969 through March 14, 1970, inclusive, Eagle Creek and the Neosho River only are open to fishing, except that the Neosho River oxbow northeast of Strawn is closed as marked by buoys, and fishing in the refuge portion of John Redmond Reservoir below the mouth of the Neosho River is permitted in the river channel as marked by buoys.

(2) Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 9, 1970.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

JULY 17, 1969.

[F.R. Doc. 69-9190; Filed, Aug. 5, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1132]

[Docket No. AO-262-A19]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Texas Panhandle marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Amarillo, Tex., on July 15, 1969, pursuant to notice thereof which was issued June 26, 1969 (33 F.R. 11099).

The material issues on the record of the hearing relate to:

1. Responsibilities of cooperative association handlers of milk in bulk tank trucks and of other handlers receiving milk from such cooperative associations.
2. Dates on which payments should be made to cooperative associations.
3. Whether an emergency exists with respect to issues 1 and 2.
4. Division of 2 percent shrinkage allowance.
5. Classification of sour cream and sour cream dips.

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

1. *Responsibilities of handlers.* A cooperative association which acts as a handler on milk received from member producers' farms in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, should be responsible for reporting and accounting for such receipts and the disposition of such receipts to pool and nonpool plants. Handlers receiving milk at pool plants from such a cooperative association handler should be responsible for reporting and accounting for the utilization of such receipts in their pool plants.

Under present order provisions the cooperative is responsible for reporting the utilization of milk it delivers to pool plants. In practice, however, the pool plant operators report their utilization of milk to the market administrator and the market administrator provides the necessary information to the cooperative for its report.

The cooperative association which controls the hauling of milk from its members' farms to plants assumes responsibility for determining the weight and butterfat test of milk picked up from individual farms. It should also account for the aggregate quantity and butterfat content of milk received from all member producers' farms.

The cooperative should also account for the quantities of such receipts delivered to pool and nonpool plants. In the case of deliveries to nonpool plants, the cooperative should ascertain the classification of such deliveries and report such utilization to the market administrator. The cooperative should also report as its producer milk any excess of milk or butterfat receipts from farms which was not delivered to plants.

Operators of pool plants should report receipts from such cooperative association handlers as a receipt of producer milk. The pool plant operator should report and account to the producer-settlement fund according to his utilization of such producer milk.

This assignment of responsibility fits the actual circumstances and functions of handling controlled by the cooperative and the pool plant operator, respectively.

When milk is delivered from farms to a plant in a bulk tank truck, the hauler determines the weight of milk picked up at individual farms and takes samples of each lot for butterfat tests. After the milk is commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample, or reject the milk of an individual producer. Therefore, when weighing and testing are conducted under the direct supervision and control of a cooperative association, the cooperative should be the handler responsible for reporting receipts of milk from member producers and its disposition to plants, for pooling any such milk not disposed of to pool plants and for payments to individual member producers.

Although the cooperative association is responsible for accounting to the pool for the weight and tests of milk determined at the farm, handlers may purchase milk at such weights and tests instead of the scale weight and butterfat test of the bulk tank truckload. One handler was purchasing milk from the cooperative association on this basis at the time of the hearing. If a pool plant operator purchases on this basis, the entire quantity as measured at the farm becomes producer milk receipts of the pool plant operator.

The operator of the pool plant to which a cooperative association delivers milk picked up at the farm is the handler in control of the utilization of milk so received. He therefore should be responsible for reporting its utilization and for its value at the class prices applicable to such utilization. This can be accomplished by treating such milk the same as other producer milk at the pool plant.

The pool plant operator would be responsible to the producer-settlement fund and for administrative expense assessment on milk it received from the cooperative. The pool plant operator would be charged the class prices based on his utilization of milk he received at his plant from the cooperative association and would pay the cooperative handler the minimum uniform price for such milk, the same as for milk received from an individual producer. This assignment of responsibility for producer milk was proposed by the cooperative association which represents all producers supplying the market. This cooperative acts as a handler on milk delivered from member farms to plants in trucks it controls. There was no opposition to the proposal.

2. *Payment dates.* The order should specify dates on which a handler operating a pool plant shall pay a cooperative association handler for producer milk received from such cooperative association. The dates for partial and final payments should be at least 2 days earlier than the dates on which individual producers must be paid. This will permit the cooperative association to pay its members at the same time individual producers receive payment.

Also, the order should be corrected to require payments to cooperative associations acting as collecting agents (not handlers) as follows: partial payment on or before the 26th day of the month of delivery, final payment on or before the 13th day of the month following the month of delivery. Since the cooperative in this market acts as the handler on all deliveries to pool plant operators, this provision is not applicable to current transactions. However, if the marketing practice changes and a cooperative acts only as a collecting agent, the payment

dates should be the same as those applicable to receipts of producer milk on which the cooperative association acts as the handler.

3. *Emergency with respect to issues one and two.* Although the changes in order provisions as discussed under issues one and two should be made effective as soon as possible, they are not so urgent as to necessitate the omission of a recommended decision.

The proponent of the amendments to require a pool plant operator to account for milk received from a cooperative association handler as producer milk and to pay the cooperative at the uniform price on specified dates urged the omission of a recommended decision on these issues. The cooperative witness claimed one handler is delaying payments with the excuse that the order does not require earlier payment.

Since about the first of this year, payments by this handler have been about 2 weeks late, the partial payment being made on or before the 13th day of the following month and the final payment being made on or before the 26th day of the following month.

The order should be amended promptly to specify the responsibility and payment dates as proposed herein. However, the amendments to carry out this and other purposes dealt with in this decision are extensive and they deserve consideration in a recommended decision.

4. *Division of shrinkage.* The shrinkage allowance of 2 percent of receipts of producer milk which may be classified in Class II should apply when a pool plant operator purchases producer milk from a cooperative association handler on the basis of farm weights and tests.

The order now provides the plant operator a maximum Class II shrinkage allowance of 1½ percent of receipts from a cooperative association acting as a handler on bulk tank milk. The allowance applies whether the handler buys on the basis of farm weights and tests or on the weight and test of the truckload.

The order also allows shrinkage of one-half percent of the aggregate weight of milk at the farms for the cooperative handler even though the pool plant operator buys on the basis of farm weights and tests. Obviously, when the handler purchases from the cooperative on the basis of farm weights and tests, there is no loss sustained by the cooperative handler. To the extent there is some shrinkage in the farm to plant transfer, such shrinkage is sustained by the pool plant operator when he accounts for the receipt at the full amount measured at the farm.

5. *Classification.* Sour cream and sour cream products not labeled Grade A should be classified as Class II.

The handler who proposed Class II classification for such products pointed out that sour cream and sour cream products not labeled Grade A are classified as Class II in several orders regulating areas adjacent to or near the Texas Panhandle area. This handler competes for sales of sour cream and sour cream products with handlers regulated under these other orders.

The Texas State health authority has recently issued a regulation requiring sour cream to be labeled Grade A. Sour cream "dips" which contain nondairy foods and flavorings may be sold in Texas without the Grade A label. Sour cream products not labeled Grade A are classified in a class other than Class I in the orders regulating the handling of milk in the Eastern Colorado, Wichita, Rio Grande Valley, Red River Valley, and Lubbock-Plainview areas. Under the North Texas order, such products are Class II regardless of the labeling. Under the Oklahoma Metropolitan order, all sour cream and sour cream products are Class I.

Although it is not possible on this record to coordinate the pricing of such products under all of these orders, it is possible to achieve better price alignment by amending the Texas Panhandle order to conform to the most common classification in orders of this region. This is accomplished by excepting from the fluid milk product definition sour cream and sour cream products not labeled Grade A.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended, regulating the handling of milk in the Texas Panhandle marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1132.7 is revised as follows:

§ 1132.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant as producer milk.

2. Section 1132.10 is revised as follows:

§ 1132.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section, subject to paragraph (c) of this section.

(a) A distributing plant from which a volume of Class I milk:

(1) Not less than 50 percent of the Grade A milk received at such plant from dairy farmers, from cooperative association handlers pursuant to § 1132.12(c), and from other plants, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants); and

(2) Not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from cooperative association handlers pursuant to § 1132.12(c) during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a plant qualified pursuant to this section.

3. Section 1132.12(c) is revised as follows:

§ 1132.12 Handler.

* * * * *

(c) Any cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, in such a way that the association supervises and controls the determination of farm weights and tests of the milk of each of such member producers.

4. Section 1132.14 is revised as follows:

§ 1132.14 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1132.12 (b) and (c) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in paragraph (d) of this section; and

(2) Received at such pool plant directly from producers and from a cooperative association handler pursuant to § 1132.12(c). If the handler receiving milk from a cooperative association handler pursuant to § 1132.12(c) accounts for such receipt on the basis of farm weights and butterfat tests, the entire truckload shall be considered a receipt of producer milk at the first plant of delivery.

(b) Producer milk of a cooperative association handler pursuant to § 1132.12 (b) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted by such association for its account to a nonpool plant, subject to the limits prescribed in paragraph (d) of this section.

(c) Producer milk of a cooperative association handler pursuant to § 1132.12 (c) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milks shall be priced to the cooperative association at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

(d) Diverted milk is producer milk in any month only to the extent it meets conditions set forth in this paragraph:

(1) It is claimed as producer milk by the diverting handler in his report filed pursuant to § 1132.30;

(2) It is milk received from a dairy farmer who had producer status immediately prior to such diversion;

(3) It is not in excess of 15 days' production of each producer during any of the months July through February; and

(4) Such diverted producer milk shall be priced at the location of the pool plant where the producer's milk was last physically received.

5. Section 1132.15 is revised as follows:

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream (sweet or sour), or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, sour cream and sour cream products not labeled Grade A, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is modified by the addition of nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

6. Section 1132.30 is revised as follows:

§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler in his capacity as the operator of a pool plant(s) and each cooperative association with respect to milk for which it is a handler pursuant to § 1132.12 (b) or (c) shall report for such month to the market administrator in detail and on forms prescribed by the market administrator:

(a) Each handler in his capacity as the operator of a pool plant(s) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1132.14;

(5) Inventories of fluid milk products on hand at the beginning and end of the month; and

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1132.12 (b) and (c):

(1) Skim milk and butterfat in milk received by such cooperative association from producers' farms;

(2) The quantities of such skim milk and butterfat delivered to each pool plant and each nonpool plant; and

(3) The utilization of skim milk and butterfat delivered to a nonpool plant.

7. Section 1132.41(b)(5) is revised as follows:

§ 1132.41 Classes of utilization.

* * * * *

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1132.42(b)(1) but not to exceed the following:

(i) 2 percent of milk received directly from producers (not including diverted producer milk), and receipts of fluid milk products in bulk from other order plants and from unregulated supply plants (exclusive of the quantity for which Class II utilization was requested by the handler);

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1132.12(c), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association, the applicable percentage shall be 2 percent; and

(iii) 0.5 percent of milk received at the farm by a cooperative association handler pursuant to § 1132.12(c), exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

* * * * *

8. Section 1132.43 is revised as follows:

§ 1132.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1132.12(c), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1132.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12 (c) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1132.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administration discloses that the original classification was incorrect.

9. Section 1132.45 is revised as follows:

§ 1132.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and for each handler pursuant to § 1132.12 (b) and (c) and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk

solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk. Producer milk for which a cooperative association is the handler pursuant to § 1132.12 (b) and (c) shall be allocated separately from the allocation of receipts at any pool plant operated by such cooperative association.

10. Section 1132.80(c)(1) is revised and subparagraph (4) is added as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * *

(c) * * *

(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 26th and 13th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

* * * * *

(4) For producer milk received from a cooperative association handler pursuant to § 1132.12(c), each handler shall make payments as follows:

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

11. The introductory text of § 1132.80 (d) is corrected as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * *

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

* * * * *

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-9220; Filed, Aug. 5, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 69-WE-56]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a joint-use restricted area in the vicinity of Platteville, Colo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007 Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the designation of a restricted area described as follows:

R-2603 PLATTEVILLE, COLO.

Boundaries. A circle with a 2,000-foot radius centered at lat. 40°10'48" N., long. 104°43'30" W.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Denver, Colo., Approach Control.

Using agency. Environmental Science Services Administration (ESSA) Research Laboratories, Boulder, Colo.

The purpose of the proposed restricted area is to encompass transmitters used for the conduct of radiation experiments in the field of ionospheric research dealing with the composition of the ionosphere. The FAA has concluded that a potential hazard could exist to personnel if they approached the transmitter site, and that the hazardous conditions could be confined to the proposed restricted airspace.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 1, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-9211; Filed, Aug. 5, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

RADIO AND TELEVISION ANTENNA TOWERS FROM CANADA

Determination of Sales At Not Less Than Fair Value

JULY 28, 1969.

On June 11, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that radio and television antenna towers manufactured by Delhi Metal Products Limited, Delhi, Ontario, Canada, are 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 July 11, 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 radio and television antenna towers manufactured by Delhi Metal Products Limited, Delhi, Ontario, Canada, are 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. 69-9199; Filed, Aug. 5, 1969; 8:47 a.m.]

[Dept. Circular, Public Debt Series No. 5-69]

7¾ PERCENT TREASURY NOTES OF SERIES D-1971

Offering of Notes

JULY 31, 1969.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 7¾ percent Treasury Notes of Series D-1971, at 99.90 percent of their face value, in exchange for 6 percent Treasury Notes of Series C-1969, maturing August 15, 1969. Cash payments due subscribers will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open only on August 4 through August 6, 1969, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated August 15, 1969, and will bear interest from that date at the rate of 7¾ percent per annum, payable semiannually on February 15 and August 15, 1970, and on February 15, 1971. They will mature February 15, 1971, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before August 15, 1969, or on later allotment, and may be made only in a like face amount of 6 percent Treasury Notes of Series C-1969, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. A cash payment of $1 per $1,000 will be made to subscribers on account of the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing notes. In the case of registered notes, the payment will be made in accordance with the assignments on the notes surrendered. When payment is made with notes in bearer form, coupons dated August 15, 1969, should be detached and cashed when due. When payment is made with registered notes, the final interest due on August 15, 1969, will be paid by issue of interest checks in regular course to holders of record on July 15, 1969, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Treasury notes of Series C-1969 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series D-1971"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series D-1971 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series D-1971 in coupon form to be delivered to _____"

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules

and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-9288; Filed, Aug. 4, 1969; 4:20 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-2566]

NEVADA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

JULY 30, 1969.

1. The following public lands are hereby classified for transfer out of Federal ownership by exchange under the Lake Mead National Recreation Area Act of October 8, 1964 (16 U.S.C. 460n).

MOUNT DIABLO MERIDIAN

NYE COUNTY

T. 5 N., R. 41 E.,
Sec. 1, all;
Sec. 2, Lot 1, SE¼NE¼, E½SE¼;
Sec. 11, E½E½;
Sec. 12, all;
Sec. 13, N½;
Sec. 14, E½NE¼.
T. 6 N., R. 41 E.,
Sec. 25, S½S½;
Sec. 26, SE¼SE¼;
Sec. 35, E½E½;
Sec. 36, all.
T. 5 N., R. 42 E., unsurveyed;
Sec. 6, W½, SW¼SE¼ except land included in mineral surveys;
Sec. 7, all except land included in mineral surveys;
Sec. 18, N½.
T. 6 N., R. 42 E.,
Sec. 30, S½S½, unsurveyed;
Sec. 31, Lots 3, 4, E½SW¼;
Sec. 31, N½, W½SE¼, unsurveyed;
Sec. 32, W½NW¼, unsurveyed.

The public lands described above aggregate approximately 4,900 acres. (Notice of Proposed Classification incorrectly cited 5,300 acres.)

2. Publication of the notice of proposed classification (34 F.R. 5748) segregated the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form of disposal for which the lands are classified. The publication did not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. All applications for exchange must be accompanied by a statement from the Chief, Office of Land and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1-2(b)(1).

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240. (43 CFR 2411.1-2(d).)

GERALD H. BROWN,
Acting State Director, Nevada.

[F.R. Doc. 69-9191; Filed, Aug. 5, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition for Food Additives

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, has withdrawn its petition (35-262V), notice of which was published in the FEDERAL REGISTER of January 15, 1969 (34 F.R. 566), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use in complete dog food of:

1. Styrylpyridinium chloride as an aid in the control of hookworms in dogs.

2. A combination of styrylpyridinium chloride and diethylcarbamazine as an aid in the control of hookworms, elimination and prevention of large round worms, and for prevention of heart worms in dogs.

Dated: July 30, 1969.

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

[F.R. Doc. 69-9172; Filed, Aug. 5, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21186; Order 69-7-164]

CAPE & ISLANDS FLIGHT SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, July 31, 1969.

The Postmaster General filed a notice of intent July 10, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 8 cents per pound enplaned for the transportation of mail by aircraft between Boston, Martha's Vineyard, Hyannis and Nantucket, Mass.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech Model D-18, aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and usedful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Cape & Islands Flight Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 8 cents per pound enplaned between Boston, Martha's Vineyard, Hyannis, and Nantucket, Mass.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Cape & Islands Flight Service, Inc., the Postmaster General, Northeast Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Cape & Islands Flight Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed

[1] As this order to show cause is not a final action but merely provides for interested persons to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Cape & Islands Flight Service, Inc., the Postmaster General, and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9222; Filed, Aug. 5, 1969; 8:48 a.m.]

[Docket Nos. 21151, 18381; Order 69-7-165]

CAPE & ISLANDS FLIGHT SERVICE, INC., AND WINNIPESAUKEE AVIATION, INC.

Order To Show Cause Regarding Final and Temporary and Nonpriority Mail Rates

Issued under delegated authority July 31, 1969.

Cape & Islands Flight Service, Inc., (Cape) and Winnipesaukee Aviation, Inc. (Winnipesaukee), are air taxi operators providing services pursuant to Part 298 of the Board's Economic Regulations. By Order 69-6-51, June 11, 1969, the Board approved Agreement C.A.B. 20965 between Northeast Airlines, Inc. (Northeast), and Cape and/or Winnipesaukee which contemplates that Cape and/or Winnipesaukee will discharge Northeast's obligation to serve Laconia and Berlin, N.H., through the operation of small aircraft between Boston, Mass. and both Laconia and Berlin, N.H.

No service mail rate is currently in effect for this service by Cape and/or Winnipesaukee. By petition filed July 2, 1969, Cape and Winnipesaukee jointly requested the establishment of service mail rates for the transportation of priority and nonpriority mail by air between Boston and both Laconia and Berlin. They request that the multi-element rates established in Orders E-25610 and E-17255, which provided for payments to Northeast, be made applicable to this route. On July 17, 1969, the Postmaster General was permitted to file a late answer in support of this petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Cape and/or Winnipesaukee at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Cape and/or Winnipesaukee in the same manner as they were applicable to Northeast in providing mail services between Boston and both Laconia and Berlin.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Northeast) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Cape and/or Winnipesaukee receive the same compensation as Northeast for the same services, we propose to establish temporary service rates for nonpriority mail for Cape and/or Winnipesaukee at the level established in Order E-17255, as amended. We will also make both Cape and Winnipesaukee parties to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Cape & Islands Flight Service, Inc., and/or Winnipesaukee Aviation, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Boston, Mass. and both Laconia and Berlin, N.H. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after June 15, 1969, to Cape & Islands Flight Service, Inc., and/or Winnipesaukee Aviation, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Boston, Mass., and both Laconia and Berlin, N.H., shall be the rates established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after June 15, 1969, to Cape & Islands Flight Service, Inc., and/or Winnipesaukee Aviation, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Boston, Mass., and both Laconia and Berlin, N.H., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Cape & Islands Flight Service, Inc., Winnipesaukee Aviation, Inc., the Postmaster General, and Northeast Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Cape & Islands Flight Service, Inc., and/or Winnipesaukee Aviation, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Cape & Islands Flight Service, Inc., and Winnipesaukee Aviation, Inc., are hereby made parties in Docket 18381; and

6. This order shall be served upon Cape & Islands Flight Service, Inc., Winnipesaukee Aviation, Inc., the Postmaster General and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9223; Filed, Aug. 5, 1969; 8:48 a.m.]

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[1] The present rates are as follows:
Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Laconia and Berlin and 2.34 cents per pound at Boston.
Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Laconia, 16.605 cents per pound at Berlin and 1.66 cents per pound at Boston.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

[Docket No. 20291; Order 69-8-6]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of August 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted at a special meeting of Traffic Conference 1 held in Nassau, has been assigned the above-designated CAB agreement number.

The agreement, in addition to making procedural and technical revisions to existing resolutions, basically readopts the present Western Hemisphere one-way normal fares and long-haul promotional fares, and eliminates the round-trip discount where it still applies. The agreement additionally revises a number of United States-Caribbean excursion fares so as to differentiate between midweek and weekend fare levels.

The Board will herein approve the agreement. The elimination of the round-trip discount does not appear to be unwarranted in light of the carriers' marginal earnings within the Western Hemisphere. While the proposed weekend economy excursion fares reflect a 10 percent increase over the present fares, we note that midweek fares will remain unchanged and that the validity of both midweek and weekend fares is being extended from 17 days to 21 days. Further, the Board has historically allowed the carriers flexibility to experiment with promotional fares, and the proposed revision appears to be an attempt by the carriers to level out weekend peaking.

Among other things, the agreement amends the resolution governing passenger expenses en route to the extent that it would prohibit the payment by carriers of passenger overnight expenses on connecting trips within the Caribbean. It would appear that passengers are purposely being scheduled so as to miss the last connection, thereby achieving an additional stop without expense to themselves. In approving the amendment, we note that the wording appears so broad as to prohibit the absorption of passenger expenses under any circumstances. Therefore, we will condition our approval so as to permit the absorption of passenger expenses when onward connections are missed because of the delayed arrival of a flight at the connecting point.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find that the following resolution, incorporated in the agreement indicated, affects air transportation within the meaning of the Act:

Agreement CAB 21137	IATA No.	Title
R-17	096d(072g)	"B" Fares—South America Amending.

2. The Board does not find the following resolutions, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act:

Agreement CAB 21137	IATA No.	Title
R-1	001b	TC-1—Special Effectiveness Resolution.
R-2	001t	TC-1 Escape for Boeing 747.
R-3	002	Standard Revalidation.
R-4	003	Rescission Resolution—Expedited.
R-5	014a	Construction Rule for Passenger Fares—Revalidating and Amending.
R-6	023a	Rounding-off Passenger Fares—Amending.
R-7	050	First Class Conditions of Service.
R-8	051	TC-1 First Class Fares.
R-9	060	Economy Class Conditions of Service.
R-10	061	TC-1 Economy Class Fares—Expedited Amending.
R-11	061	TC-1 Economy Class Fares.
R-12	070(080)	TC-1 Excursion Fares—Expedited Amending.
R-13	070(080)	TC-1 Excursion Fares.
R-14	072(084)	TC-1 Creative Fares—Revalidating and Amending.
R-15	084e(087b)	Long-Haul North-South American Group Inclusive Tour Fares—Revalidating and Amending.
R-16	091	Family Fares—Revalidating and Amending.
R-19	150a	Fares for Round Trip.
R-20	151a	Fares for Circle Trips—Revalidating and Amending.
R-21	281	Sale of Air Transportation/Inclusive Tours under Installment Plans in Currencies of South American Countries Marked with an Asterisk in Resolution 021b—Except Argentina, Brazil, Chile, Paraguay, Peru, Uruguay.
R-22	281d	Sale of Air Transportation/Inclusive Tours Under Installment Plans in Local Currency in Argentina.
R-23	281d	Sale of Air Transportation/Inclusive Tours Under Installment Plans in Local Currency in Paraguay.
R-24	281e	Sale of Air Transportation/Inclusive Tours Under Installment Plans in Local Currency in Peru.
R-25	281f	Sale of Air Transportation Under Installment Plans in Local Currency in Uruguay.
R-26	283	Sale of Air Transportation/Inclusive Tours Under Installment Plans in United States/Canadian Dollars in South America.
R-27	283a	Sale of Air Transportation/Inclusive Tours Under Installment Plans in United States/Canadian Dollars in Peru.
R-28	310	Free Baggage Allowance—Amending.

3. The Board does not find the following resolution, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act, provided that approval shall be subject to the condition stated below:

Agreement CAB 21137	IATA No.	Title
R-18	102	Passenger Expenses en Route—Amending.

Provided that the prohibition against the absorption of passengers' connecting expenses at any island within the Caribbean, the Bahamas, and/or Bermuda with respect to travel to/from the United States shall not be applicable when onward connections are missed because of the delayed arrival of a flight at the connecting points.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 21137 as set forth in finding paragraph 1;

2. Those portions of Agreement CAB 21137 described in finding paragraph 2 be and hereby are approved; and

3. Agreement CAB 21137, R-18, described in finding paragraph 3 be and hereby is approved, subject to the condition stated therein.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 69-9224; Filed, Aug. 5, 1969; 8:48 a.m.]

[Docket No. 21275; Order 69-8-3]

TRANS CARIBBEAN AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of August 1969.

By tariff revisions marked to become effective August 4, 1969,[1] Trans Caribbean Airways, Inc. (TCA), proposes round-trip group inclusive tour excursion fares of $87 and $77 [2] per passenger, for groups of 125 or more passengers, between New York and San Juan, Puerto Rico. All passengers must travel in connection with a fully prepaid advertised air tour costing a minimum of $50. The minimum stay requirement is 7 days

[1] Revisions to Trans Caribbean Airways, Inc., Tariff C.A.B. No. 26, filed on June 26, 1969, and July 8, 1969.

[2] The $87 fare is applicable during the periods Aug. 4, 1969, through Aug. 31, 1969, and Jan. 5, 1970, through Mar. 20, 1970. The $77 fare is applicable during the periods Sept. 1, 1969, through Dec. 12, 1969, and Apr. 6, 1970, through June 19, 1970.

(maximum of 30 days) and passengers may return individually from San Juan or from St. Thomas or St. Croix, V.I., provided the fare for the trip from San Juan to St. Croix/St. Thomas is in addition to the group tour excursion fare. The fares apply only on flights scheduled to depart from New York for San Juan between the hours of 3 a.m. Monday and 2 p.m. Friday.

Eastern Air Lines, Inc. (Eastern) and Pan American World Airways, Inc. (Pan American), have filed complaints against TCA's proposal requesting its suspension and investigation. In substance, the complaints allege that the proposed group fares are uneconomic; that they constitute an unfair and destructive competitive practice; and that the fares are discriminatory. The complaints state that the proposed group tour basing fares are too low, since they will not cover breakeven need, and that the proposal is so far below the existing regular fares and so free of restrictions that it will break the present fare level in the market. Eastern asserts that the proposed fares would be diversionary rather than creative; that they are designed to give TCA a temporary competitive advantage in capturing individual travel; and that such action will lead to a destructive price-cutting struggle that no carrier in this market can afford.

In support of its proposal and in answer to the complaints, TCA submits that the proposed fares will stimulate tourist travel to San Juan and improve its load factors. The carrier contends that there has been a diversion of tourist travel from the Caribbean area as evidenced by declining load factors and lower hotel occupancy rates recently experienced in the San Juan area. TCA believes the proposed group excursion fares will attract vacationers and tourists who might otherwise choose Europe as a travel destination in the late summer or early fall. TCA estimates that, on an added cost basis, the expenses attributable to the carriage of the groups will be $5.90 per passenger. The carrier further asserts that the additional revenues it anticipates will more than offset the added costs, and that the net financial impact on TCA will be beneficial. In its answer, TCA asserts that its proposal is consistent with the standards applied by the examiner in the Group Inclusive Tour Basing Fares to Hawaii Case, Docket 20580. It further claims that the incremental costs related to the additional group fare traffic will be 2.13 cents per revenue passenger mile.

Upon consideration of the tariff proposal, the complaints, and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariff in question should be suspended pending investigation.

Available data indicate that the proposed group fares may be unreasonably low. The proposed fares produce very low yields; 2.71 cents per mile for the $87 fare, and 2.40 cents for the $77 fare. The regular weekday round-trip thrift fare in this market is $132 and yields 4.11 cents per mile. We do not feel it is reasonable to cost this fare proposal, as TCA has done, on essentially an added cost basis. TCA currently provides most of its weekday New York-San Juan service with aircraft having a capacity ranging between 140 and 172 seats. Consequently, a group of 125 or more passengers will represent the majority of passengers on board, and on occasion more than likely require the scheduling of extra section flights.[3] Another factor which has a bearing on cost is the fact that members of the group may return individually and therefore the opportunity for savings inherent in group travel is available in one direction only.

It does not appear that the proposed fares will generate sufficient additional traffic to offset their low level and possible diversionary impact. TCA does not indicate how much, if any, new traffic it expects the proposed fares to generate, nor the amount of self-diversion and diversion from Eastern or Pan American which might occur as a result of the proposal. We are concerned that the proposal will, in fact, divert a significant amount of regular fare traffic and result in a net revenue decrease for all carriers. Finally, we are not convinced that the proposed air fares are the key in this market to increased tourist travel, since the market currently enjoys regular fares which are among the lowest per mile in the world and the air fare represents a relatively small part of the total cost of a typical vacation trip to Puerto Rico.

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 be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[4] 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;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A[4] hereto are suspended and their use deferred to and including November 1, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Eastern Air Lines, Inc., in Docket 21203 and Pan American World Airways, Inc., in Docket 21205, are hereby dismissed;

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

5. Copies of this order shall be filed with the tariffs and served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., which are hereby 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. 69-9225; Filed, Aug. 5, 1969; 8:49 a.m.]

[Docket No. 19956]

TRANSPORTES AEREOS NACIONALES, S.A.

Reassignment of Place of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter to be resumed on September 11, 1969, at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., is now reassigned to be held on the same date in Room 805 of said building, before the undersigned examiner.

Dated at Washington, D.C., July 31, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-9221; Filed, Aug. 5, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ALOHA NAVIGATION CO., LTD., ET AL.

Inactive Tariffs; Notice of Cancellation

By notice published in the FEDERAL REGISTER on June 27, 1969, the Commission notified the carriers named therein of its intent to cancel certain tariffs 30 days thereafter in the absence of a showing of good cause why such tariffs should not be canceled. The following carriers failed to respond to the notice:

Aloha Navigation Co., Ltd., 1401 Middle Harbor Road, Oakland, Calif.
Berger Transportation Co., Ames Terminal, Seattle 6, Wash.
Hawaiian Pacific Line, Inc., 149 California Street, San Francisco, Calif.
Knudsen Fast Freight, Anchorage, Alaska.
Puerto Rico Transfer, 760 North Ogden Avenue, Chicago 22, Ill.
Skipper's Freight Forwarding Service Co., 218 Washington Avenue, Carlstadt, N.J.
Trans Ocean Van Service, 1143 Caspian Avenue, Long Beach, Calif.

[3] The tariff provides that when unavailability of seating accommodations makes it impossible for the group passengers to travel together on the same flight, members of the group may be accommodated on any flights on which space is available.

[4] Appendix A filed as part of the original document.

Accordingly, pursuant to section 6.10 of Commission Order 201.1, Amendment 5, effective May 5, 1969, the tariffs of the above named carriers were canceled on July 28, 1969.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-9212; Filed, Aug. 5, 1969; 8:48 a.m.]

SCANDINAVIA BALTIC U.S. NORTH ATLANTIC WESTBOUND FREIGHT 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 agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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 by:

Mr. M. J. Kelly, Vice President, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Agreement No. 9364-4 between the member lines of the Scandinavia Baltic U.S. North Atlantic Westbound Freight Conference amends Article (4) of the basic agreement to provide that changes in the level of freight rates on specific commodities may be effected by the affirmative vote of a simple majority of the Conference members entitled to vote. Unanimous vote of all members is required to amend the basic agreement, and all other matters require the unanimous vote of all members entitled to vote.

The Conference Secretary is authorized to conduct telephone polls of the membership in the event that emergency action is required with respect to rates and/or other matters. All such telephone calls, the subject matter thereof and the action taken pursuant thereto are to be reported in the Minutes of the next regular Conference meeting.

Dated: August 1, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9213; Filed, Aug. 5, 1969; 8:48 a.m.]

W. R. GRACE & CO. AND PRUDENTIAL LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission 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 copy the agreement and Exhibits A to T, and V, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement and the aforesaid exhibits at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the 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 by:

David Simon, Esq., Barrett Knapp Smith & Schapiro, 26 Broadway, New York, N.Y. 10004.

Agreement No. 9810, a stock purchase agreement between W. R. Grace & Co. and Prudential Lines, Inc., covers the proposed acquisition by Prudential of all of the capital stock of Grace Line, Inc., from the present owner W. R. Grace & Co.

Immediately after the closing of the stock purchase agreement and upon the approval by the Maritime Administration and the Maritime Subsidy Board of all matters necessary to implement the transaction, Prudential is to sell and transfer to Grace Line, Inc. all of its vessels, vessel contracts, barge contracts, subsidy rights and obligations and all of its other assets and obligations as outlined in Exhibit A to the stock purchase agreement.

The stock purchase agreement and Exhibits A through V (except Exhibit U which relates to pending litigation) are attached to the stock purchase agreement.

Dated: July 31, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9214; Filed, Aug. 5, 1969; 8:48 a.m.]

[Docket No. 69-36; Independent Ocean Freight Forwarder License No. 990]

CIRCLE FORWARDERS, INC.

Order of Investigation and Hearing

Circle Forwarders, Inc., was licensed to operate as an independent ocean freight forwarder by the Federal Maritime Commission on December 10, 1963. Subsequent to licensing Circle Forwarders, Inc., established Express Parts Service, Inc., an export distributorship, which purchases parts from Chrysler Corp. for sale and, in most cases, expedited air shipment to overseas distributors, dealers, and other purchasers. Both corporations are said to maintain separate records, books, and personnel.

A small number of the Express Parts Service, Inc., shipments are of such size and weight that air shipment is uneconomical to the overseas buyers. In those instances, Express Parts Service, Inc., employs oceangoing common carriers. Consequently, there now exists a corporate relationship between Express Parts Service, Inc., and Circle Forwarders, Inc., involving, on the one hand, a shipper of goods to foreign countries via oceangoing common carriers and, on the other, a licensed independent ocean freight forwarder.

In a number of prior decisions the Federal Maritime Commission has held that under the definition of an independent ocean freight forwarder contained in section 1 of the Shipping Act, 1916, a freight forwarder who has a direct or indirect control relationship with a shipper cannot be licensed, even though, as in this case, the forwarder would not handle shipments for the related shipper. Application for Freight Forwarding License—Louis Applebaum, 8 FMC 306 (1964); Application for Freight Forwarding License—Wm. V. Cady, 8 FMC 352 (1964); Application for Freight Forwarding License—Del Mar Shipping Corp., 8 FMC 493 (1965); and Application for Freight Forwarding License—York Shipping Corp., 9 FMC 72 (1965).

Because of the corporate relationship now existing between Circle Forwarders, Inc., and Express Parts Service, Inc., the Commission intends to institute a proceeding to determine whether Circle Forwarders, Inc., continues to qualify for a license as an independent ocean freight forwarder, and whether its license should remain in effect or be revoked.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841b) that a proceeding is hereby instituted to determine whether Circle Forwarders, Inc., continues to qualify for a license and whether its license should be continued in effect or be revoked pursuant to sections 1 and 44 of the Shipping Act, 1916 (46 U.S.C. 801, 841b).

It is further ordered, That Circle Forwarders, Inc., be made respondent in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Presiding Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondent, Circle Forwarders, Inc.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal

Maritime Commission, Washington, D.C. 20573, with a copy to respondent, on or before August 11, 1969; and

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

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-9215; Filed, Aug. 5, 1969; 8:48 a.m.]

[Docket No. 69-37]

MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC., AND HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.

Order To Show Cause

Movers' & Warehousemen's Association of America, Inc. (Movers), operates in foreign commerce under Agreement No. 8530. Although this agreement does not apply to the U.S. Virgin Islands the foreign tariff, FMC-1, filed pursuant to this agreement contains U.S. Virgin Islands domestic off-shore rates. This tariff is on file with the Commission's Bureau of Compliance.

Movers operates in domestic commerce under Agreement No. 8540. This agreement does not include the U.S. Virgin Islands. Movers domestic tariff FMC-F No. 2, naming domestic rates between U.S. ports and ports in Alaska, Guam, Hawaii, and Puerto Rico, is properly on file with the Commission's Bureau of Domestic Regulation pursuant to its approved agreement.

The Household Goods Forwarders Association of America, Inc., operates in foreign commerce under Agreement FMC No. 9510. Although this agreement does not apply to the U.S. Virgin Islands, the foreign tariff, FMC No. 1, filed pursuant to this agreement cotnains U.S. Virgin Islands domestic off-shore rates. This association has no approved agreement for domestic Virgin Islands transportation and has no tariff on file with the Commission's Bureau of Domestic Regulation.

The collective fixing of rates for the domestic U.S. Virgin Islands trade is unauthorized by approved agreements and therefore unlawful under section 15 of the Shipping Act, 1916. Further, the filing of such rates in an otherwise foreign tariff, rather than a domestic tariff, appears to be in violation of section 18(a), Shipping Act, 1916 and/or section 2, Intercoastal Shipping Act, 1933, and the rules promulgated pursuant thereto in Domestic Tariff Circular No. 3, in the sense that such rates are not properly "on file with the Commission" within the meaning of these provisions.

Now, therefore it is ordered, That pursuant to sections 15, 18(a), 21, and 22 of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933, the parties to Agreements No. 8530 and 9510 as shown in the attached Appendix, show cause why the Commission should not find them in violation of the aforesaid sections by reason of their failure and/or refusal to properly amend their section 15 agreements, as requested by the Commission's staff, to include the domestic U.S. Virgin Islands; and for failure and/or refusal to publish the rates for such service with the Commission's Bureau of Domestic Regulation;

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact, memoranda of law, replies and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before August 25, 1969. Affidavits of fact and memoranda of law shall be filed by the respondents, unless otherwise ordered by the Commission, no later than close of business August 25, 1969. Replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than the close of business September 8, 1969. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument will be announced at a later date;

It is further ordered, That the parties to Agreement No. 8530 and the parties to Agreement No. 9510, as shown in the attached Appendix, be, and they are hereby made respondents in this proceeding;

It is further ordered, That this order be published in the FEDERAL REGISTER and served upon Carroll S. Genovese, Executive Secretary, Movers' & Warehousemen's Association of America, Inc., and Calvin W. Stein, Executive Director, Household Goods Forwarders Association of America, Inc.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than August 15, 1969.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.

American Ensign Van Service, Inc., Wilmington, Calif.
Asiatic Forwarders, Inc., San Francisco, Calif.
Astron Forwarding Co., Oakland, Calif.
Bekins Wide World Van Service, Inc., Wilmington, Calif.

HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.—Continued

Burnham World Forwarders, Inc., Columbus, Ga.
Columbia Export Packers, Inc., Torrance, Calif.
Container Transport International, Inc., New York, N.Y.
Continental Forwarders, Inc., Seattle, Wash.
Convan Corp., New York, N.Y.
Davidson Forwarding Co., Inc., Washington D.C.
Delcher Intercontinental Moving Service, Jacksonville, Fla.
DeWitt Freight Forwarding, Inc., Los Angeles, Calif.
Door To Door International, Inc., Seattle, Wash.
Express Forwarding and Storage Co., Inc., New York, N.Y.
Four Winds Forwarding, Inc., Alexandria, Va.
Garrett Forwarding Co., Pocatello, Idaho
Getz Bros. & Co., Inc., San Francisco, Calif.
HC&D Moving and Storage, Inc., Honolulu, Hawaii
Higa Fast Pac, Inc., San Francisco, Calif.
Home-Pack Transport, Inc., Maspeth, N.Y.
Imperial Household Shipping Co., Inc., Torrance, Calif.
International Sea Van, Inc., Evansville, Ind.
Interstate Motor Freight System, Grand Rapids, Mich.
Jet Forwarding, Inc., Torrance, Calif.
Karevan, Inc., Seattle, Wash.
Kingpack, Inc., Wichita, Kans.
Lyon Household Shipping Division, Los Angeles, Calif.
Mollerup Freight Forwarding Co., Inc., Seattle, Wash.
Northwest Consolidators, Inc., Seattle, Wash.
Perfect Pak Company, Seattle, Wash.
Routed Thru-Pac, Inc., New York, N.Y.
RX Consolidators, Inc., San Francisco, Calif.
Smyth Worldwide Movers, Inc., Seattle, Wash.
Sunpak Movers, Inc., Seattle, Wash.
Swift Home-Wrap, Inc., Kansas City, Mo.
Trans-American World Transit, Inc., Chicago, Ill.
Vanpac Carriers, Inc., Richmond, Calif.

MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

Airline Vans, Inc., Dallas, Tex.
Allstates Van Lines Corp., Corona, N.Y.
Andrews Van Lines, Inc., Norfolk, Nebr.
Arpin Van Lines, Inc., Paul, Providence, R.I.
Atlas Van-Lines, Inc., Evansville, Ind.
Bentley's Inc., Berkeley, Calif.
City Van & Storage, Long Beach, Calif.
Dean Van Lines, Inc., Long Beach, Calif.
Delcher Brothers' Storage Co., Jacksonville, Fla.
Dewitt Transfer and Storage Co., Los Angeles, Calif.
Empire Household Shipping Co. of New York, Inc., New York, N.Y.
Engel Brothers, Inc., Elizabeth, N.J.
Fogarty Bros. Transfer, Inc., Tampa, Fla.
King Van Lines, Inc., Wichita, Kans.
Kings Van & Storage, Inc., Oklahoma City, Okla.
Major Van Lines, Inc., Jersey City, N.J.
Pyramid Van Lines, Inc., South San Francisco, Calif.
Republic Van and Storage Co., Inc., Baltimore, Md.
Richardson Transfer and Storage Co., Inc., Salina, Kans.
Security Van Lines, Inc., Kenner, La.
Trans-American Van Service, Inc., Chicago, Ill.
Trans Country Van Lines, Inc., Bohemia, N.Y.
U.S. Van Lines, Inc., South Bend, Ind.
Universal Van Lines, Inc., Norfolk, Va.
Von Der Ahe Van Lines, Inc., Fenton, Mo.

[F.R. Doc. 69-9216; Filed, Aug. 5, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-120]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Petition To Amend

JULY 30, 1969.

Take notice that on July 25, 1969, Columbia Gulf Transmission Co. (Applicant Gulf), 3805 West Alabama Avenue, Houston, Tex. 77027, Consolidated Gas Supply Corp. (Applicant Consolidated), 445 West Main Street, Clarksburg, W. Va. 23601, and Texas Gas Transmission Corp. (Applicant Texas), 3800 Frederica Street, Owensboro, Ky. 12301, filed in docket No. CP69-120 an amendment to the certificate of public convenience and necessity issued in the order of June 24, 1969, authorizing Applicant Gulf and Applicant Texas to construct and operate facilities to connect gas reserves at the Block 272 and Block 292 Field. Authorization is now sought for lateral facilities to connect the Vermillion Block 255 Field reserves, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Applicants seek the authorization to construct and operate the following natural gas facilities: approximately 3.6 miles of 12¾-inch O.D. pipeline and a measuring station to connect gas reserves at Vermillion Block 255 to the 30-inch offshore pipeline of Tennessee Gas Pipeline Co. which was authorized at docket No. CP69-50. Applicants would transport through these facilities between 15,300 to 30,600 Mcf per day. Applicants estimate the total cost of the proposed facilities to be $945,000, which will be financed by cash from operations and/or short-term debt and permanently financed from long-term debt or issuance of capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 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 petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9180; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-14]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 22, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in docket No. CP70-14 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the the construction and operation of certain facilities and the sale and delivery of natural gas to the Washington Water Power Co. (Water Power), for resale and distribution in the community of Genesee, Idaho, 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 approximately 0.34 mile of 2⅜-inch O.D. pipeline extending from a point of connection with its existing 12¾-inch O.D. Lewiston lateral, in Whitman County, Wash., northeasterly to a point of connection with Water Power's proposed 3-inch feeder line at the boundary between the States of Washington and Idaho. The measuring and regulating station will be located at the beginning of Applicant's proposed 2⅜-inch O.D. line and the point of delivery will be at the said State boundary. The total estimated cost of Applicant's proposed facilities is $21,783 and is to be financed initially through use of working funds supplemented by short-term borrowings.

To provide service to Genesee, Water Power proposes to construct and operate a feeder line, distribution mains, odorizer station, regulating station, services and meters at an estimated cost, for the first 3 full years of $213,600. The estimated peak day and annual gas requirements of Water Power during the third full year of the proposed service are 242 Mcf and 21,080 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 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 by represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9181; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-18]

INDIANA GAS CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 25, 1969, Indiana Gas Co., Inc. (Applicant), 1630 North Meridian Street, Indianapolis, Ind. 46202, filed in docket No. CP70-18 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent), to establish an additional facilities connection with Applicant and to provide service of natural gas to Applicant for the local distribution and sale in and adjacent to Ladoga, Ind., 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 a local gas distribution system and related facilities, and a 4-inch supply line extending westerly from such facilities to a proposed physical connection with the existing facilities of Respondent in Montgomery County, Ind., approximately 1.32 miles west of Ladoga.

Applicant states that Respondent's transmission facilities carry an adequate volume of natural gas to enable Respondent to provide the additional gas service required by Applicant. Applicant further states that the establishment of the physical connection of Respondent's existing transmission facilities with Applicant's proposed facilities will enable Applicant to introduce the local distribution of natural gas service to Ladoga.

Applicant estimates the peak day and annual requirements for the first 3 years of operation to be as follows:

Proposed operation year	Estimated requirements	
	Day	Annual
First	235 Mcf	29,841 Mcf
Second	371 Mcf	45,063 Mcf
Third	531 Mcf	64,966 Mcf

Applicant estimates the total cost of the proposed facilities to be $124,429, which is to be financed by funds in its treasury, short-term bank loans and noncash charges to operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 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. 69-9182; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-13]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 18, 1969, Panhandle Eastern Pipe Line Co. (Applicant), 3000 Bissonnet, Houston, Tex., and 3444 Broadway, Kansas City, Mo., filed in docket No. CP70-13 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to increase the contract demand of the Ohio Fuel Gas Co., under the LS-1 Rate Schedule by 70,000 Mcf per day in 1970 and by an additional 30,000 Mcf per day in 1972. The gas supply for such increases will be obtained from concurrent increases in Applicant's contracted volumes from Trunkline Gas Co.

Facilities proposed by Applicant consist of 10,000 compressor horsepower to be installed at Applicant's existing Zionsville Compressor Station; and approximately 8.6 miles of 30-inch pipe downstream of Panhandle's Edgerton Compressor Station to be installed prior to commencement of delivery of the 30,000 Mcf per day increment noted above.

Applicant states that the increased volumes will enable the Ohio Fuel Gas Co., to meet its growing requirements from gas reserves made available to Applicant and Trunkline Gas Co., for this purpose.

Estimated cost of the proposed facilities is $4,829,000, which will be financed initially by short-term bank loans with permanent financing to be later accomplished through the issuance of debentures or other securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 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 notce 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. 69-9183; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-15]

SEA ROBIN PIPELINE CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 23, 1969, Sea Robin Pipeline Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP70-15 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to connect leases in Blocks 27, 30, and 41 South Marsh Island Area, and Block 190, Vermilion Parish, La., to take into its pipeline system additional supplies of natural gas, 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 total cost of the facilities will be approximately $3,346,200. The facilities will be utilized to enable Sea Robin to attach to its system approximately a quarter of a trillion cubic feet of gas reserves under contracts with Shell Oil Co., and Chevron Oil Co. Financing will be initially by short-term borrowings, with permanent financing to be arranged at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 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. 69-9184; Filed, Aug. 5, 1969; 8:45 a.m.]

[Docket No. CP70-16]

SEA ROBIN PIPELINE CO.

Notice of Application

JULY 30, 1969.

Take notice that on July 23, 1969, Sea Robin Pipeline Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP70-16 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which it will purchase from

producers in the general area of its existing transmission system from time to time during the 12-month period beginning September 1, 1969, at a total cost of not in excess of $5 million with the total cost of any single project not to exceed $1 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of gas in producing areas generally coextensive with its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 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 rule.

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. 69-9185; Filed, Aug. 5, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

HAWKEYE BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Hawkeye Bancorporation, which is a bank holding company located in Red Oak, Iowa, for the prior approval of the Board of the acquisition by Applicant of 87.6 percent of the voting shares of Mills County State Bank, Glenwood, Iowa.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 15th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-9186; Filed, Aug. 5, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

FIRST TEXAS CAPITAL CORP.

Notice of Approval for Transfer of Control of Small Business Investment Company

On June 26, 1969, a notice of approval for transfer of control was published in the FEDERAL REGISTER (34 F.R. 9904) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for the transfer of control of First Texas Investment Co., 120 Jefferson Street, Sulphur Springs, Tex. 75482, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), license No. 10/10-0013. George Leavesley, James C. Leavesley and John E. Leavesley will purchase all of the licensee's outstanding stock.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

For SBA (pursuant to delegated authority).

Dated: July 29, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-9195; Filed, Aug. 5, 1969; 8:46 a.m.]

PIONEER CAPITAL CORP.

Application for License

Notice hereby is given pursuant to § 107.103 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) that the parties listed below have applied to the Small Business Administration for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.). The proposed licensee is Pioneer Capital Corp., having the address of Room 1967, 1440 Broadway, New York, N.Y. 10018. It proposes to operate principally in the city of New York, N.Y.

The Company is to commence operation with $250,000 in private capital. The Company's stated purpose is to furnish equity capital and long-term loan funds to qualified small business concerns in economically depressed ghetto areas of New York City, or in other areas where the venture is likely to have an economically beneficial effect on the target areas by creating jobs and ownership opportunities.

The Officers, Directors, and owner of the proposed licensee's common stock are:

Neil A. McConnell, 1 Wall Street, New York, N.Y. 10005.	Director and Chairman of the Board of Directors.
L. William Bergesch, 1440 Broadway, New York, N.Y. 10018.	Director and President.
Edmund J. Blake, Jr., 1440 Broadway, New York, N.Y. 10018.	Director and Secretary-Treasurer.

Sole stockholder (100 percent): Pioneer Properties Co., a partnership, 767 Fifth Avenue, New York, N.Y. 10022.

Messrs. McConnell, Louis Marx, Jr. (c/o Deerfield Oil Corp., 445 Park Avenue, New York, N.Y. 10005), Dan W. Lufkin (140 Broadway, New York, N.Y. 10005), and Frederick A. Melhado (1 Wall Street, New York, N.Y. 10005), are all of the partners of Pioneer Properties Co.

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing, to the Associate

Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of fifteen (15) days of the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in the city of New York, N.Y.

Dated: July 29, 1969.

ARTHUR H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-9196; Filed, Aug. 5, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 724]

MAINE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969 because of the effects of certain disasters, damage resulted to residences and business property located in the town of Old Orchard Beach, Maine;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid town, suffered damage or destruction resulting from fire occurring on July 19, 1969.

OFFICE

Small Business Administration Regional Office, 40 Western Avenue, Augusta, Maine 04330.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 30, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-9197; Filed, Aug. 5, 1969; 8:47 a.m.]

TARIFF COMMISSION

[TEA-I-EX-5]

CERTAIN FLOOR COVERINGS

Investigation of Probable Effect of Termination of Increased Tariff; Postponement of Hearing Date

On July 3, 1969, the Tariff Commission, upon petition filed on behalf of the domestic industry concerned, instituted an investigation and ordered a hearing to begin on August 27, 1969 (34 F.R. 11397) in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to Wilton (including brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description, of the kinds described in item 922.50 in part 2A of the Appendix to the Tariff Schedules of the United States.

In view of a request from counsel for certain interested importers, who has conflicting commitments, and for other reasons, notice is hereby given of the postponement of the hearing in this investigation so that it will begin on October 22, 1969, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission Building, 8th and E Streets NW., Washington, D.C., rather than on August 27, 1969, as originally ordered. Appearances at the postponed hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Issued: July 31, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-9176; Filed, Aug. 5, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-12873, 2-13949]

ATLANTIC RICHFIELD CO.

Notice of Application and Opportunity for Hearing

JULY 31, 1969.

Notice is hereby given that Atlantic Richfield Co. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeship of First National City Bank (the "City Bank") under an indenture dated April 15, 1958 ("Richfield Indenture"), which was qualified under the Act, and the trusteeship of City Bank under an indenture dated December 1, 1956 ("Sinclair Indenture"), which was also qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify City Bank from acting as Trustee under both indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) Under the Richfield Indenture the former Richfield Oil Corp. issued $50 million aggregate principal amount of its 4⅜ percent Convertible Subordinated Debentures Due April 15, 1983 with City Bank Farmers Trust Co., as Trustee of which $683,000 principal amount of debentures were outstanding as of March 31, 1969. City Bank was substituted as trustee under the Richfield Indenture by instrument dated June 14, 1961, and is presently serving thereunder. In connection with the merger of Richfield Oil Corp. into the Company, the Company and City Bank entered into a First Supplemental Indenture dated as of January 3, 1966 providing (a) for the assumption by the Company of payment of the principal and premium, if any, and interest on the Richfield Debentures outstanding and the performance and observance of the covenants and conditions of the Richfield Indenture to be performed by Richfield Oil Corp.

(2) Under the Sinclair Indenture the former Sinclair Oil Corp. issued $167,247,600 aggregate principal amount of its 4⅜ percent Convertible Subordinated Debentures Due December 1, 1986, with City Bank Farmers Trust Co., as Trustee of which $85,807,000 amount of debentures were outstanding as of March 31, 1969. City Bank, by merger, succeeded as Trustee. In connection with the merger of Sinclair Oil Corp. into the Company, the Company and City Bank entered into a First Supplemental Indenture dated as of March 4, 1969, providing (a) for the assumption by the Company of payment of the principal of and interest on the Sinclair Oil Corp. Debentures outstanding and the performance of the covenants and conditions of the Sinclair Indenture to be performed by Sinclair Oil Corp.

(3) The Richfield Oil Corp. Debentures were registered pursuant to the Securities Act of 1933, and the Richfield Indenture was qualified under the Trust Indenture Act of 1939 (File No. 2-13949, effective Mar. 25, 1958); the Sinclair Oil Corp. Debentures were registered pursuant to the Securities Act of 1933, and the Sinclair Indenture was qualified under the Trust Indenture Act of 1939 (File No. 2-12873, effective Nov. 15, 1956).

(4) Section 7.08 of the Sinclair Indenture is a "negative pledge" convenant to the effect that Atlantic Richfield will

not mortgage or pledge property (with exceptions) without equally securing outstanding Sinclair Debentures. The Richfield Indenture does not contain a comparable provision. Under section 9.01 of the Sinclair Indenture, failure to observe the covenant contained in section 7.08 would constitute an event of default. Therefore, a default might arise under the Sinclair Indenture without arising under the Richfield Indenture. Furthermore, by virtue of the "negative pledge" covenant of section 7.08, the Sinclair Debentures could become secured and the Richfield Debentures remain unsecured. Either event might create a conflicting interest of City Bank requiring elimination of the conflict or resignation as Trustee under one of the Indentures. However, unless and until a conflicting interest as outlined above arises, the differences between the Sinclair Indenture and Richfield Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify City Bank from acting as Trustee under either Indenture.

The Company has waived notice of hearing, hearing, and any and all rights to specify procedures under the rules of practice of the Commission with respect to this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than August 22, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-9192; Filed, Aug. 5, 1969; 8:46 a.m.]

[File No. 2-27593]

KOMATSU MANUFACTURING CO., LTD.

Notice of Application and Opportunity for Hearing

JULY 31, 1969.

Notice is hereby given that Komatsu Manufacturing Co., Ltd. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of First National City Bank ("First National") under an indenture heretofore qualified under the Act, and a second indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) It has issued $15 million principal amount of its 7¼ percent Convertible Debentures due December 31, 1982 under an Indenture dated as of December 1, 1967, which has been qualified under the Act (The "1967 Indenture") between the Company and First National as Trustee. At May 31, 1969, $6,562,000 aggregate principal amount of such Debentures were outstanding.

(2) The Company has issued $20 million principal amount of its 6¼ percent Convertible Sinking Fund Debentures due June 30, 1984 (the "New Debentures"), pursuant to an indenture made between the Company and First National dated June 1 (the "1969 Indenture"). Inasmuch as the New Debentures are being offered and sold outside the United States of America, its territories and possessions to persons who are not nationals or residents thereof, the New Debentures are not registered under the Securities Act of 1933, and the 1969 Indenture is not qualified under the Act.

(3) The 1967 Indenture and the 1969 Indenture are wholly unsecured. The Debentures issued under the 1967 Indenture and the 1969 Indenture are general obligations of the Company and rank parri passu, without any priority of preference of either one over the other. Aside from differences between the two Indentures as to amounts, dates, interest rates, conversion prices, and certain other figures, the provisions of said indenture are, with certain exceptions, substantially identical.

(4) In the opinion of the Company, such differences as exist between the 1967 Indenture and the 1969 Indenture are not likely to cause any conflict of interest between the respective trusteeships of First National under said indentures. The Company has waived notice of hearing, the hearing, and any and all rights to specify Procedures under the rules of practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of the fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than August 21, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-9193; Filed, Aug. 5, 1969; 8:46 a.m.]

[File No. 24NY-6572]

ORIGINAL ELECTRIC HEATER CORP.

Order Permanently Suspending Exemption

JULY 31, 1969.

I. Original Electric Heater Corp. (Original), 23 West Mall, Plainview, N.Y., incorporated in Delaware on February 27, 1968, filed a notification and offering circular on August 29, 1968, covering a proposed offering of 100,000 shares of its common stock (5 cents par value) at $3 per share for an aggregate offering price of $300,000, for an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) and Regulation A promulgated thereunder. G. K. Scott & Co., Inc., was named as the underwriter on an all-or-none best efforts basis. Continental Diversified Industries, Inc., is one of the promoters of Original. The offering circular states that the company intends to develop and sell electronic water heaters

and to engage in research and development of electronic and electrical devices.

II. The Commission, on December 26, 1968, temporarily suspended the Regulation A exemption of Original, stating it had reason to believe on the basis of information reported to it by its staff, that:

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

1. The issuer failed to disclose in the notification and offering circular that Alfred Dallago, a promoter and principal security holder, was indicted on March 21, 1966, and convicted on May 9, 1967, for filing a false and misleading amendment to a registration statement with the Commission relating to a public offering of securities of Lancer Industries and for filing a false and misleading annual report pursuant to the Securities Exchange Act of 1934.

2. The Regulation A exemption was not available for the issuer under the provisions of Rule 252(d)(1) in that Alfred Dallago, the principal stockholder and a promoter of Original, was indicted and subsequently convicted of a crime involving the purchase or sale of a security.

B. The notification and offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The offering circular was materially false and misleading in failing to disclose the degree of control exercised and to be exercised by Alfred Dallago over the affairs of Original; his degree of participation in the formation of Original; and his interests in Original's business activities.

2. The offering circular failed to disclose the background of Alfred Dallago, one of Original's promoters and its controlling stockholder.

C. The offering, if made, would be in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

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

By the Commission.

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

[F.R. Doc. 69-9194; Filed, Aug. 5, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-321]

GEORGIA POWER CO.

Notice of Hearing on Application for Provisional Construction Permit

In the matter of Georgia Power Co. (Edwin I. Hatch Nuclear Power Plant, Unit No. 1); docket No. 50-321.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on September 15, 1969, in the Appling County Courthouse, 110 North Main Street, Baxley, Ga. 31513, to consider the application filed under section 104 b. of the Act by Georgia Power Co. (the applicant), for a provisional construction permit for a boiling water nuclear reactor designed to operate initially at 2436 megawatts (thermal) located on the applicant's approximately 2100-acre site on the south side of the Altamaha River in the northwestern sector of Appling County, Ga. 31513, approximately 98 miles southeast of Macon and 73 miles northwest of Brunswick.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. A. Dixon Callihan, Oak Ridge, Tennessee; Mr. Hood Worthington, Wilmington, Del.; and J. D. Bond, Esq., Chairman, Washington, D.C. Dr. Clark D. Goodman, Houston, Tex., has been designated as a technically qualified alternate, and Mr. James R. Yore, Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 2 p.m., local time, on August 28, 1969, in Room 5101 of the Federal Office Building No. 7, 17th and H Streets, Washington, D.C., to consider matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on items Nos. 1-3 and a negative finding on item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix "A" hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the office of the Clerk of the County Commissioners, Appling County Courthouse, Baxley, Ga.

31513, for inspection by members of the public each weekday during the regular business hours. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited Appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by August 22, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than August 22, 1969, or in the event of postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before August 22, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 31st day of July 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary.

APPENDIX A

PROVISIONAL CONSTRUCTION PERMIT

[Construction Permit No. ---------]

1. Pursuant to § 104 of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Georgia Power Co. (the applicant), for a utilization facility (the facility), designed to operate at 2436 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Edwin I. Hatch Nuclear Power Plant, Unit No. 1, will be located at the applicant's approximately 2100-acre site on the south side of the Altamaha River in the northwestern sector of Appling County, Ga., 31513 approximately 98 miles southeast of Macon and 73 miles northwest of Brunswick.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is July 1, 1972, and the latest date for completion of the facility is July 1, 1973.

B. The facility shall be constructed and located at the site as described in the application in the northwestern sector of Appling County, Ga.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 69-9290; Filed, Aug. 5, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 52, Amdt. 4]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 52, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 52 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 24, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 3, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 1, 1969.

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

[F.R. Doc. 69-9202; Filed, Aug. 5, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 50, Amdt. 4]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

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

Upon further consideration of Car Distribution Direction No. 50, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 50 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 24, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 3, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent

of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 1, 1969.

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

[F.R. Doc. 69-9203; Filed, Aug. 5, 1969; 8:47 a.m.]

[Notice 562]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 1, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

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

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 112), ROADWAY EXPRESS, INC., Post Office Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309, filed July 23, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Owensboro, Ky., over U.S. Highway 231 to junction Indiana Highway 66, thence over Indiana Highway 66 to junction unnumbered highway approximately 4 miles west of Rockport, Ind., and (2) from Owensboro, Ky., over U.S. Highway 431 to Central City, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Owensboro, Ky., over unnumbered highway to Wilson Ferry, Ky., thence via ferry to Wilson Ferry, Ind., thence over unnumbered highway to junction Indiana Highway 66, and (2) from Owensboro, Ky., over Kentucky Highway 81 to Central City, Ky., and return over the same routes.

No. MC 9115 (Deviation No. 1), O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, Calif. 94303, filed July 18, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: From Mission San Jose, Calif., over Interstate Highway 680 to junction California Highway 21, thence over California Highway 21 to Cordelia, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route, as follows: From Mission San Jose, Calif., over California Highway 238 (formerly California Highway 9) to junction California Highways 17 and 9, at or near San Leandro, Calif., thence over California Highway 17 to Oakland, Calif., thence over Interstate Highway 80 (formerly U.S. Highway 40) to Cordelia, Calif., and return over the same route.

No. MC 29120 (Deviation No. 9), ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57104, filed July 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to Kentland, Ind., thence over U.S. Highway 52 via Indianapolis, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, Ky., (2) from Chicago, Ill., over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway, thence over unnumbered highway via Montour, Iowa, to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway southeast of Marshalltown, Iowa, thence over unnumbered highway to Marshalltown, Iowa, thence over Iowa Highway 330 to junction U.S. Highway 30, thence over U.S. Highway 30 to Denison, Iowa, (3) from Missouri Valley, Iowa, over U.S. Highway 30, to Denison, Iowa, and (4) from Missouri Valley, Iowa, over U.S. Highway 75 to Omaha, Nebr., and return over the same routes.

No. MC 59120 (Deviation No. 12), EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, filed July 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: Between Charlestown, W. Va., and Princeton, W. Va., over Interstate Highway 77, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Charleston, W. Va., over U.S. Highway 119 to junction West Virginia Highway 3, thence over West Virginia Highway 3 to Beckley, W. Va., thence over U.S. Highway 21 to Princeton, W. Va., and (2) from Charleston, W. Va., over U.S. Highway 21 to junction West Virginia Highway 61, thence over West Virginia Highway 61 to junction U.S. Highway 21, thence over U.S. Highway 21 to Princeton, W. Va., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 527), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 25, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 13 and Maryland Highway 366 over U.S. Highway 13 bypassing Pocomoke City, Md., to junction Maryland Highway 366, and (2) from junction U.S. Highway 13 and Maryland Highway 675 over U.S. Highway 13 bypassing Princess Anne, Md., to junction Maryland Highway 675, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Darby, Pa., over U.S. Highway 13 via Dover, Del., to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Camden, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Bridgeville, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Seaford, Blades, Laurel, and Delmer, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Maryland Highway 675 (formerly U.S. Highway 13), thence over Maryland Highway 675 via Princess Anne, Md., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Maryland Highway 366 (formerly U.S. Highway 13), thence over Maryland Highway 366 via Pocomoke City, Md., to junction U.S. Highway 13, thence over U.S. Highway 13 to the Maryland-Virginia State line, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9204; Filed, Aug. 5, 1969; 8:47 a.m.]

[Notice 1318]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 1, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 106580 (Sub-No. 3) (Republication), filed December 16, 1968, published in the FEDERAL REGISTER issue of January 16, 1969, and republished this issue. Applicant: M. F. BUTLER, JR., and M. F. BUTLER, SR., doing business as OSWEGO LIME DELIVERY CO., Post Office Box 174, Lake Oswego, Oreg. 97034. Applicant's representative: M. F. Butler (same address as above). By application filed December 16, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of ground limestone in bulk or sacks, from Lake Oswego, Oreg., to points in Mason, Thurston, Pierce, Lewis, King, and Klickitat Counties, Wash., restricted to agricultural use. An order of the Commission, Operating Rights Board, dated June 20, 1969, and served July 22, 1969, finds that the present and future public convenience and necessity require operation by applicants, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *ground limestone*, from Lake Oswego, Oreg., to points in Mason, Thurston, Pierce, Lewis, King, and Klickitat Counties, Wash.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124796 (Sub-No. 41) (Republication), filed November 29, 1968, published in the FEDERAL REGISTER issues of December 19, 1968, and January 3, 1969, and republished this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. By application filed November 29, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of air conditioning equipment, furnaces, water heaters, and component parts and accessories for such items; (a) from Syracuse, N.Y., to Indianapolis, Ind., Collierville and Morrison, Tenn., and points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, (b) from Morrison, Tenn., to points in the United States (except Alaska and Hawaii), (c) from Indianapolis, Ind., to Collierville and Morrison, Tenn., and points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, (d) from Industry, Calif., to points in Louisiana, Minnesota, Mississippi, Nebraska, and Tennessee, and (e) from Collierville, Tenn., to points in the United States (except Alaska and Hawaii), and returned shipments, equipment and supplies used in the manufacture and distribution of air conditioning equipment, furnaces, and water heaters, on return in (a) through (e) above and from points in Arizona, Arkansas, Indiana, Illinois, Iowa, Kansas, Michigan, Missouri, New Mexico, New York, Ohio, Oklahoma, Texas, and Wisconsin, to City of Industry, Calif.; restricted to traffic originating or terminating at the plantsites or warehouse facilities utilized by Carrier Corp., and restricted against the transportation of commodities in bulk and those commodities which, by reason of size or weight, require the use of special equipment, under contract with Carrier Corp. An order of the Commission, Operating Rights Board, dated June 30, 1969, and served July 24, 1969, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of:

(1) Air conditioning equipment, furnaces, and water heaters, and parts and accessories for air conditioning equipment, furnaces, and water heaters, (a) from City of Industry, Calif., to points in Louisiana, Minnesota, Mississippi, Nebraska, and Tennessee, (b) from Indianapolis, Ind., to Collierville, and Morrison, Tenn., and to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, (c) from Syracuse, N.Y., to Indianapolis, Ind., and Collierville and Morrison, Tenn., and to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, and (d) from Collierville and Morrison, Tenn., to points in the United States (except Alaska and Hawaii); (2) returned shipments of the above-described commodities, (a) from the destination points to the respective origin points specified in (1)(a) through (1)(d) above, and (b) from points in Arizona, Arkansas, Indiana, Illinois, Iowa, Kansas, Michigan, Missouri, New Mexico, New York, Ohio, Oklahoma, Texas, and Wisconsin, to City of Industry, Calif.; and (3) equipment, materials, and supplies used in the manufacture of air conditioning equipment, furnaces, and water heaters, from the destination points to the respective origin points specified in (1)(a) through (1)(d) above; restricted to the transportation of traffic originating at or destined to the plantsites and storage facilities utilized by Carrier Corp., and restricted against the transportation of commodities in bulk and those commodities which, by reason of size or weight, require the use of special equipment; under a continuing contract with Carrier Corp., of Syracuse, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130078 (Republication), filed January 14, 1969, published FEDERAL REGISTER issue of February 6, 1969, and republished, this issue. Applicant: HISTORICAL TIMES, INC., 302 York Street, Gettysburg, Pa. 17325. Applicant's representative: Harold E. Mesirow, 1001 Connecticut Avenue NW., Washington, D.C. 20036. By application filed January 14, 1969, as amended, applicant seeks a license authorizing operation in interstate or foreign commerce, as a broker at Gettysburg, Pa., arranging for transportation by motor vehicle in interstate or foreign commerce of individual passengers and groups of passengers and their baggage on all-inclusive round trip historical site tours (except meals) operated during the months of April through October, beginning and ending at Gettysburg, Pa., and extending to points in Maryland, Virginia, and West Virginia, or beginning and ending at Nashville, Tenn., and extending to points in Alabama, Georgia, and Mississippi. An order of the Commission, Operating Rights Board, dated June 30, 1969, and served July 24, 1969, finds that operation by applicant at Gettysburg, Pa., as a *broker* in arranging for transportation

by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, in round-trip-all-expense tours operated during the months of April through October, beginning and ending at (1) Gettysburg, Pa., and extending to points in Maryland, Virginia, and West Virginia; and (2) Nashville, Tenn., and extending to points in Alabama, Georgia, and Mississippi, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133075 (Sub-No. 1) (Republication), filed February 26, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, and republished, this issue. Applicant: BREMERTON TRANSFER AND STORAGE CO., INC., 221 Bruenn Avenue, Bremerton, Wash. 98310. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. By application filed February 26, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in Kitsap, Mason, Pierce, Jefferson, and Grays Harbor Counties, Wash. Restriction: The service sought herein is restricted to the transportation of shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b) (2) of the Interstate Commerce Act, as amended, and (2) having an immediately prior or subsequent out-of-state line-haul movement by rail, motor, water, or air. An order of the Commission, Operating Rights Board, dated July 16, 1969, and served July 28, 1969, finds that the present and future public and convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, 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, between points in Kitsap, Mason, Pierce, Jefferson, and Grays Harbor Counties, Wash.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 107496 (Sub-No. 83) (Notice of Filing of Petition for Modification of Tacking Restriction), filed June 27, 1969. Petitioner: RUAN TRANSPORTATION CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Petitioner's representative: H. L. Fabritz (same address as above). Petitioner states it holds authority in No. MC 107496 (Sub-No. 83), to conduct operations as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicle, between points in Illinois and Indiana within 125 miles of Chicago, Ill., including Chicago. From Lockport and Lemont, Ill., and East Chicago, Ind., to points in Illinois north of a line beginning at the Indiana-Illinois State line, and extending along U.S. Highway 50 to Lawrenceville, Ill., thence along Alternate U.S. Highway 50 (formerly U.S. Highway 50) via Sumner, Ill., to junction U.S. Highway 50, and thence along U.S. Highway 50 to the Illinois-Missouri State line, other than Chicago, Ill., and points within 125 miles of Chicago; points in Iowa east of U.S. Highway 69; points in Indiana north of a line beginning at Vincennes, and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to Bloomington, Ind., and thence along Indiana Highway 46 to the Indiana-Ohio State line, other than points in Indiana within 125 miles of Chicago, Ill., points in Michigan south and west of a line beginning at Lake Michigan, and extending along an unnumbered highway via North Muskegon, Mich., to junction U.S. Highway 31 to Muskegon, Mich., thence along Michigan Highway 46 to St. Louis, Mich., thence along U.S. Highway 27 to Lansing, Mich., thence along U.S. Highway 127 to junction unnumbered highway (formerly U.S. Highway 127) near Mason, Mich.

Thence along unnumbered highway via Mason to junction U.S. Highway 127, thence along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly U.S. Highway 127) via Liberty, Mich., to junction U.S. Highway 112 (formerly U.S. Highway 127), thence along Highway 112 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 223, and thence along U.S. Highway 223 to the Michigan-Ohio State line; and points in Wisconsin (including Lamartine, Wis.), east and south of a line beginning at the Wisconsin-Illinois State line, and extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 through Madison to Fond du Lac, Wis., and thence along Wisconsin Highway 23 to Sheboygan, Wis., including points on the indicated portions of the highways specified, with no transportation for compensation on return except as otherwise authorized. From points in Illinois in the Chicago, Ill., commercial zone, as defined by the Commission to points in that part of Wisconsin (including Lamartine, Wis.) located on, east and south of a line beginning at the Wisconsin-Illinois State line, and extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 through Madison, Wis., to Fond du Lac, Wis., and on and south of Wisconsin Highway 23, with no transportation for compensation on return except as otherwise authorized.

From Lockport, Ill., to Sevens Point, Wis., with no transportation for compensation on return except as otherwise authorized. From Niles, Mich., and points within 5 miles thereof, to points in Indiana on and north of a line commencing at the junction of the Illinois-Indiana State line and U.S. Highway 24, and extending along U.S. Highway 24 through Logansport, Peru, and Wabash, Ind., to Huntington, Ind., and thence along U.S. Highway 224 through Decatur, Ind., to the Indiana-Ohio State line, with no transportation for compensation on return except as otherwise authorized. *Liquid petroleum asphalt*, in bulk, in tank vehicles, from Lockport, Ill., to points in Lafayette, Iowa, Richland, Sauk, Juneau, Adams, Marquette, Waushara, Green Lake, Calumet, Winnebago, Manitowoc, Wood, Brown, Portage, Waupaca, Outagamie, Kewaunee, Marathon, Shawano, Oconto, and Door Counties, Wis., and points in that part of Green, Dane, Columbia, Dodge, Fond du Lac, and Sheboygan Counties, Wis. (including Lamartine, Wis.), west and north of a line beginning at the Wisconsin-Illinois State line, and extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 through Madison, Wis., to Fond du Lac, Wis., and thence along Wisconsin Highway 23 to Sheboygan, Wis., with no transportation for compensation on return except as otherwise authorized, subject to the condition that the carrier shall not light or keep lighted open-flame burners attached to any vehicle used in such transportation except, and only when, such vehicle is at rest and off the highway.

Restriction: The authority herein granted shall not be tacked or combined with any authority otherwise held by the carrier for the purpose of performing

single-line through service. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right. By the instant petition petitioner seeks the removal of the above restriction "The authority herein granted shall not be tacked or combined with any authority otherwise held by the carrier for the purpose of performing single-line through service." Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER. It is planned to handle the instant petition with the application in No. MC-F-10524, Ruan Transport Corp.—Control and Merger—Illinois-Ruan Transport Corp., noticed in the July 9, 1969, issue of the FEDERAL REGISTER, at page 11400.

No. MC 116164 (Sub-No. 2) Notice of Filing of Petition for Modification and To Add Shipper, filed June 27, 1969. Petitioner: ARROW TRANSPORTATION, a corporation, Des Moines, Iowa. Petitioner's representative: William L. Fairbanks, 610 Hubbell Building, Des Moines, Iowa 50309. Petitioner states it holds permit MC 116164 (Sub.-No. 2) which authorizes the transportation by motor contract carrier: *Brick, building tile, and agricultural or drain tile*, from Adel, Iowa, to points in Missouri; points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with United Brick and Tile Co., Adel, Iowa. From Oskaloosa, Iowa, to points in Missouri; points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with Oskaloosa Clay Products Co., Oskaloosa, Iowa. From Ottumwa, Iowa, to points in Missouri; points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with Ottumwa Brick and Tile Co., Ottumwa, Iowa. From Fort Dodge (or nearby Kalo), Iowa, to points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with Johnston Corp. and its subsidiary, Fort Dodge Brick and Tile Co., and Kalo Brick & Tile Co., of Fort Dodge, Iowa. From Centerville, Iowa, to points in that part of Nebraska on and east of U.S. Highway 281; points in that part of South Dakota on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Aberdeen, S. Dak., thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to St. Paul, Minn., and thence along U.S. Highway 10 to the Minnesota-Wisconsin State line; points in that part of Wisconsin on and south of U.S. Highway 10; and points in that part of Illinois on and north of U.S. Highway 50; with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with Iowa Clay Products Co., Centerville, Iowa. From Des Moines, Iowa, to points in Missouri, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Des Moines Clay Products Co., Des Moines, Iowa. From Redfield and Centerville, Iowa, to points in Missouri, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Adel Clay Products Co., Redfield and Centerville, Iowa. From Redfield, Iowa, to points in Missouri, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Redfield Brick and Tile Co., Redfield, Iowa. From Kalo, Iowa, to points in Missouri, with no transportation for compensation on return except as otherwise authorized.

Restrictions: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Johnston Corp. and its subsidiary, Fort Dodge Brick and Tile Co., and Kalo Brick & Tile Co., of Fort Dodge, Iowa. Petition states that with the exception of United Brick and Tile Co. and Kalo Brick & Tile Co., all of the above-named companies are actually plant locations of Goodwin Cos., a subsidiary of Can-Tex Division of Harsco Corp., and these plant locations are not individual companies. Petition also states that Goodwin Cos. no longer operate a plant at Centerville, Iowa, and requests that the portion of the permit applicable to Centerville be deleted. In addition to requesting that the permit be modified, petitioner also requests that Vincent Clay Products be added as a contracting shipper in that portion of the permit which authorizes transportation from Fort Dodge. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of the publication in the FEDERAL REGISTER.

No. MC 118831 (Sub-Nos. 34 and 36), Notice of Filing of Petition To Amend Certificate, filed July 22, 1969. Petitioner: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, N.C. Petitioner's representative: Richard E. Shaw (same address as above). Petitioner states it is presently authorized under its Sub-No. 34, dated September

16, 1965, to transport cement, in bags, from Spencer, N.C., to points in North Carolina, South Carolina, Georgia, and points in Virginia within 200 miles of Spencer, N.C., with no transportation for compensation on return except as otherwise authorized. Under its Sub-No. 36, the part here pertinent, dated July 18, 1967, it is authorized to transport cement, in bulk, from Spencer, N.C., to points in North Carolina with no transportation for compensation on return except as otherwise authorized, restricted to shipments having prior movement by rail. By the instant petition, petitioner requests permission to add to the origins now reading Spencer, N.C., application also from points within 10 miles thereof. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126512 (Sub-No. 5) (Notice of Filing of Petition To Add Additional Contract), filed July 22, 1969. Petitioner: BROAD TOP SALES AND SERVICE, INC., Greencastle, Pa. Petitioner's representative: C. Kenneth Crotsley (same address as above). Petitioner states that it has been granted contract carrier authority by motor vehicle, to transport, over irregular routes, coal, from points in Somerset and Westmoreland Counties, Pa., to Baltimore, Hagerstown, Lime Kiln, and Williamsport, Md., under a continuing contract with Robert H. Glessner, Jr., doing business as Glessner Mines, and C. W. Brown, doing business as C. W. Brown Coal Co. By the instant petition, it seeks to add an additional contracting shipper, C. M. & W. Coal Co., Inc., Greencastle, Pa. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of or against the addition of said contracting shipper within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 73866 (Sub-No. 5), filed July 3, 1969. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Avenue, Norwalk, Conn. 06852. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in New Haven, Conn., on the one hand, and, on the other, points in Connecticut. NOTE: Common control may be involved. Applicant states it will tack at New Haven, Conn. and points in New Haven County, Conn. authorized in MC 73866, to serve points in Connecticut. Applicant seeks to convert the certificate of registration of the Davis Storage Co. (MC 48554 Sub 2) to a certificate of public convenience and necessity. This application is directly related to MC-F 10533, published in the FEDERAL REGISTER issue of July 24, 1969. If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

No. MC 111398 (Sub-No. 13), filed July 9, 1969. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio 44311. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Akron, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it would join the requested authority with its existing authority at Akron, Ohio, on service between points in Ohio, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Tennessee, Illinois, Indiana, and other authorized points. This is a matter directly related to MC-F-10542, published in the FEDERAL REGISTER issue of July 16, 1969, wherein applicant seeks to convert the certificate of registration of Peck Movers, Inc., MC 120311 Sub 1 into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111625 (Sub-No. 15), filed July 16, 1969. Applicant: BERMAN'S MOTOR EXPRESS, INC., Box 1566, Binghamton, N.Y. 13902. Applicant's representatives: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and commodities injurious or contaminating to other lading), between Binghamton and Norwich, N.Y., over New York Highway 12, serving all intermediate points and the following off-route points: Towns of Binghamton, Conklin, Dickinson, Fenton, Kirkwood, Norwich, Union, and Vestal, N.Y. NOTE: This application is a matter directly related to MC-F 10551, published in the FEDERAL REGISTER issue of July 23, 1969, wherein applicant seeks to convert the certificate of registration of Norwich Express, Inc., under MC 99820 (Sub.-No. 2) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Binghamton or New York, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-10563. Authority sought for control by MERLIN J. NORTON (INDIVIDUAL), 1891 West 2100 South Street, Salt Lake City, Utah 84119, of UTAH PACIFIC TRANSPORT CO., 15628 Southeast Old Carver Road, Post Office Box 235, Clackamas, Oreg. 97015. Applicants' attorney: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Columbia and Clatsop Counties, Oreg., on the one hand, and, on the other, Seattle, Wash., and certain specified points in Washington; *forest products*, between points in Clatsop and Columbia Counties, Oreg., *lumber*, between points in Clatsop and Columbia Counties, Oreg., on the one hand, and, on the other, Seattle and Aberdeen, Wash., and certain specified points in Washington, from points in Oregon, to points in Arizona, Colorado, Idaho, Montana, Utah, and Wyoming; *machinery*, between points within 1 mile of U.S. Highway 30 and 101 in Clatsop and Columbia Counties, Oreg., on the one hand, and, on the other, Seattle and Aberdeen, Wash., and certain specified points in Washington, between points in Clatsop and Columbia Counties, Oreg., except points within 1 mile of the above-specified highways, on the one hand, and, on the other, certain specified points in Washington; *boats and boat equipment*, between points in Columbia and Clatsop Counties, Oreg., on the one hand, and, on the other, certain specified points in Washington; *cedar floats*, from points in the Oregon counties specified above, to points in Washington counties; *salt and salt products*, from Flux and Saltair, Utah, to points in Oregon and Washington; *brick and building tile*, from Denver, Colo., to points in Oregon and Washington. MERLIN J. NORTON holds no authority from this Commission. However, he is controlling stockholder of F-B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, Utah, which is authorized to operate as a *common carrier* in Idaho, Utah, Montana, and California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10564. Authority sought for purchase by THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 215 Euclid Avenue, Cleveland, Ohio 44114, of a portion of the operating rights of MOTOR EXPRESS, INC., 410 Lincoln Building, Cleveland, Ohio 44114, and for acquisition by U.S. TRUCK LINES, INC. of DELAWARE, 1602 Union Commerce Building, Cleveland, Ohio 44115, of control of such rights through the purchase. Applicants' representative: James E. Wesner, Suite 300, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Operating rights sought to be purchased: *General commodities*, except liquids in bulk, in tank truck, household goods as defined by the Commission, classes A and B explosives, green hides, livestock, money, valuable documents and papers, postage stamps, letters, precious stones and other articles of extraordinary value, articles inherently injurious to

other freight and carrier equipment, and commodities not suitable to motor transportation by reason of weight limitations or otherwise, as a *common carrier*, over regular routes, between Wheeling, W. Va., and Erie, Pa. Vendee is authorized to operate as a *common carrier*, in Ohio Michigan, Indiana, Kentucky, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10565. Authority sought for purchase by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360, of the operating rights of JOSEPH LIBERMAN, doing business as LIEBERMAN & SONS (Internal Revenue Service, Successor in Interest), 26 Federal Plaza, New York, N.Y. 10007 and for acquisition by BERNARD A. BROWN, also of Vineland, N.J., of control of such rights through the purchase. Applicants' attorney and representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019 and District Director of Internal Revenue, Post Office Box 911, General Post Office, Brooklyn, N.Y. 11202. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, between New York, N.Y., on the one hand, and, on the other, points in Virginia, between New York, N.Y., on the one hand, and, on the other, points in Illinois, Michigan, Ohio, and West Virginia, between New York, N.Y., on the one hand, and, on the other, points in North Carolina, South Carolina, and Georgia, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in Florida. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Maine, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, New Hampshire, Florida, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Minnesota, Missouri, South Carolina, North Carolina, Nebraska, Louisiana, Alabama, Mississippi, Georgia, Illinois, Michigan, Kentucky, Indiana, Tennessee, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10566. Authority sought for purchase by BELLEVUE TRUCKING COMPANY, Room 1835, Land Title Building, Philadelphia, Pa. 19110, of a portion of the operating rights of PETER J. PETRIZZO & SON, INC., 317 Midland Avenue, Garfield, N.J. 07026, and for acquisition by Jack A. Rodgers, Post Office Box 6055, 2155 Ridgewood R., Akron, Ohio 44312, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad Street, Newark, N.J. 07102, and John M. Zachara, Post Office Box Z, Paterson, N.J. 07509. Operating rights sought to be transferred: *Structural steel, steel plates, machinery, hot water heaters and boilers, and safes*, as a common carrier over irregular routes, between points in New Jersey, New York, and Pennsylvania, within 200 miles of Newark, N.J., *heavy machinery* requiring special equipment between Newark, N.J., and points in Connecticut, Rhode Island, Massachusetts, Delaware, and Maryland, within 200 miles of Newark, N.J. BELLEVUE TRUCKING COMPANY, holds no authority from this Commission. However, its controlling stockholder controls MILLER TRANSFER AND RIGGING CO., who is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Ohio, West Virginia, New York, Illinois, Indiana, Ohio, California, Massachusetts, Minnesota, Connecticut, and the District of Columbia, and as a *contract carrier* in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10567. Authority sought for controlled and merger into H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201, of the operating rights and property of J AND L LINES, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201, and for acquisition by HAROLD C. GABLER, also of Chambersburg, Pa., of control of such rights and property through the transaction. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be controlled and merged: General commodities, with certain specified exceptions, and numerous other specified commodities, as a common carrier over regular and irregular routes, from, to and between specified points in the States of North Carolina, Ohio, West Virginia, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, South Carolina, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–116777 Sub. 1 and Sub-Nos. 3, 4, and 6. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. H. C. GABLER, INC., is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New Jersey, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Maine, Connecticut, Delaware, Ohio, Indiana, Illinois, North Carolina, Alabama, Mississippi, Louisiana, Tennessee, Wisconsin, Florida, Georgia, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10568. Authority sought for control by U.S. INDUSTRIES, INC., 250 Park Avenue, New York City, N.Y. 10017, of the operating rights of CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State Street, New Haven, Conn. 06511. Applicants' attorney: Palmer S. McGee, Jr., 1 Constitution Plaza, Hartford, Conn. 06103. Operating rights sought to be controlled: Passengers and their baggage, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, as a *common carrier*, over regular routes, between New Haven, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., serving the intermediate points of Fairfield and Stratford, Conn., between Waterbury, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., serving the intermediate points of Derby, Stratford, and Bridgeport, Conn., between Shelton, Conn., and Stratford, Conn., over one alternate route for operating convenience only; between Stamford, Conn., and New York International Airport (Idlewild) and La Guardia Airport, New York, N.Y., serving no intermediate points, between New Haven, Conn., and Newark Airport, Newark, N.J., serving the intermediate points of Stratford, Bridgeport, Fairfield, Norwalk, Darien, and Stamford, Conn., with restriction; between Bridgeport, Conn., and the Kennedy International Airport and La Guardia Airport at New York, N.Y., serving no intermediate points; between North Haven, Conn., and Kennedy International Airport and La Guardia Airport, New York City, N.Y., serving the intermediate point of Hamden, Conn., between Milford, Conn., and La Guardia and Kennedy International Airports, New York, N.Y., serving the intermediate points of Westport, Darien, Stamford, and Greenwich, Conn., between New Canaan, Conn., and junction Connecticut Highway 29 and Interstate Highway 95, serving no intermediate points, and serving the termini for purposes of joinder only with the route described above, with restrictions; between Danbury, Conn., and La Guardia Airport, New York, N.Y., and John F. Kennedy International Airport, Idlewild, N.Y., serving the intermediate points of Ridgefield, Wilton, and Norwalk, Conn. U.S. INDUSTRIES, INC., holds no authority from this Commission. However, it is controlling stockholder of B & P Motor Express, Inc., 720 Gross Street, Pittsburgh, Pa., who is authorized to operate as a *common carrier* in Wisconsin, Ohio, Illinois, Kentucky, Michigan, Maryland, Virginia, Pennsylvania, Indiana, Delaware, West Virginia, New York, New Jersey, and the District of Columbia, and C. I. WHITTEN TRANSFER COMPANY, Post Office Box 1833, Huntington, W. Va., who is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Kentucky, Ohio, Virginia, New Jersey, Alabama, Connecticut, Delaware, Massachusetts, Vermont, Maryland, Maine, New York, Tennessee, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–9205; Filed, Aug. 5, 1969; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 1, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket No. (not given), filed (unknown). Applicant: LEMARS TRANSFER COMPANY, INC., 31 Plymouth Street NW., Le Mars, Iowa 51031. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, between Le Mars, Merrill, Hinton, and Sioux City, Iowa, and return of freight over the same route. Both Intrastate and Interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

State docket No. 69327–CCB, filed July 16, 1969. Applicant: IMPERIAL INTER-URBAN, INC., 730 Mirror, Lakeland, Fla. 33802. Applicant's representative: M. Craig Massey, 202 East Walnut Street, Post Office Drawer J, Lakeland, Fla. 33802. Certificate of public convenience and necessity sought to operate a passenger service as follows: *Passengers and their baggage* having an immediately prior or subsequent movement by air in motor vehicles of not more than 21 passenger capacity, including the driver, between all F.A.A. regulated airports within the described geographical area on the one hand, and all points within the described geographical area on the other hand, bordered on the south by a line commencing at the Atlantic Ocean at Ft. Pierce, Fla., thence over Florida State Road 70 to Okeechobee, Fla., thence along the western shore of Lake Okeechobee to the point said western shore of Lake Okeechobee intersects the eastern boundary of Hendry County, thence south along the eastern boundary of Hendry County and Collier County, thence west along the southern boundary of Collier County to the Gulf of Mexico; bordered on the west by the Gulf of Mexico; bordered on the north by a line commencing on the Gulf of Mexico at Yankeetown, Fla., thence via Florida State Road 40 through Dunnellon and Ocala, to its common points with U.S. Highway 92 to Daytona Beach, Fla.; and bordered on the east by the Atlantic Ocean. Service is restricted against transportation between an airport located within a municipality and the municipality in which such airport is located; between an airport located immediately adjacent to a municipality or within 5 miles of municipality and such municipality; and between an airport and any unincorporated area within 5 miles of such airport. Service is further restricted against charter transportation. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 69-9208; Filed, Aug. 5, 1969; 8:47 a.m.]

[Notice 879]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and 6 copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 27754 (Sub-No. 13 TA) (Amendment), filed July 8, 1969, published FEDERAL REGISTER, issue of July 17, 1969 and republished as amended this issue. Applicant: FRANK J. KUBLY TRANSFER, INC., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Monroe, Wis., to Minneapolis-St. Paul, Rochester, and Medford, Minn., and Fargo, N. Dak., and return movement of *used empty malt beverage containers*, from Minneapolis-St. Paul, Rochester, and Medford, Minn., and Fargo, N. Dak., to Monroe, Wis., for 180 days. NOTE: The purpose of this republication is to include "used" before empty malt beverage containers. Supporting shipper: Joseph Huber Brewing Co., Monroe, Wis. 53566. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 111594 (Sub-No. 43 TA), filed July 25, 1969. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: G. R. Richmond (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Baraboo, Wis., to Chicago Heights, Ill., for 180 days. Supporting shipper: International Minerals & Chemical Corp., Chicago Heights, Ill. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 116254 (Sub-No. 102 TA), filed July 25, 1969. Applicant: CHEM-HAMULERS, INC., Post Office Box 245, Sheffield, Ala. 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke and coke dust*, in bulk, from Birmingham, Ala., to Mt. Pleasant, Tenn., points in Charleston County, S.C., and Polk County, Fla.; and on return, *coke dust*, from Mt. Pleasant, Tenn., points in Charleston County, S.C., and Polk County, Fla., to Birmingham, Ala., for 180 days. Supporting shipper: Mobil Chemical Co., a division of Mobil Oil Corp., 401 East Main Street, Richmond, Va. 23208; Attention: Beverly C. Davis, Assistant Traffic Manager. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814–2121 Building, Birmingham, Ala. 35203.

No. MC 128659 (Sub-No. 1 TA), filed July 25, 1969. Applicant: ORBITAL TRANSPORT, INC., 2647 Karen Street, Bellmore, N.Y. 11710. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Orangeburg, N.Y., North Bergen, Cliffwood and Freehold, N.J., to Glen Cove, N.Y., for 180 days. Supporting shipper: Glen Cove Bottle Co. Inc., Glen Cove, N.Y. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133082 (Sub-No. 1 TA), filed July 25, 1969. Applicant: JAMES E. MOORE, doing business as MOORE'S HAULING, Broad Street and Sumneytown Pike, Lansdale, Pa. 19446. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common car-*

rier, 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), restricted to shipments having an immediate prior or subsequent movement by aircraft, between the Philadephia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Bucks and Montgomery Counties, Pa., for 180 days. Supporting shippers: There are approximately (14) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133466 (Sub-No. 1 TA), filed July 15, 1969. Applicant: WILKINSON TRANSPORTATION CO., 13th and Madison Street, Fort Calhoun, Nebr. Applicant's representative: Charles J. Kimball, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate at a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil containers*, from Fort Calhoun, Nebr., to points in Arkansas, Arizona, California, Florida, Georgia, Indiana, Illinois, Kansas, Maryland, Michigan, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Texas, Tennessee, Vermont, and Virginia; (2) *Aluminum sheet foil*, from points in Jackson County, Ark.; Scott County, Iowa; Lebanon County Pa.; Jackson County, W. Va.; Los Angeles and Orange Counties, Calif.; Madison and Carroll Counties, Tenn.; Jefferson County, Ky.; Forsyth County, N.C.; and Henrico County, Va.; to Fort Calhoun, Nebr.; (3) *Parts for explosive devices and mortars, screw machine parts, and steel filters;* from points in Los Angeles and Orange Counties, Calif.; St. Louis County, Mo.; Lancaster, West Moreland; and Schuylkill Counties, Pa.; Nassau County, N.Y.; Cook County, Ill.; and Hertford County, N.C., to Fort Calhoun, Nebr.; (4) *Parts for explosive devices and mortars, screw machine parts, and steel filters*, from Fort Calhoun, Nebr., to points in Harrison and Bowie Counties, Tex.; Bigxon County, Tenn.; Etowah County, Ala.; and Labette County, Kans., for 180 days. Supporting shipper: Wilkinson Manufacturing Co., Post Office Box 12127, Omaha, Nebr. 68112. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133910 TA, filed July 24, 1969. Applicant: GILMORE MOVING & STORAGE, INC., 900 New Warrington Road, Pensacola, Fla. 32506. Applicant's representative: Alan F. Wohlsteeter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Escambia, Walton, Santa Rosa, and Okaloosa Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94801. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 133911 TA, filed July 24, 1969. Applicant: CLIFTON D. TURNER, doing business as C. D. TURNER TRANSFER, 307 Third Avenue, Radford, Va. 24141. Applicant's representative: James C. Turk, First and Merchants National Bank Building, Radford, Va. 24141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loaded trailers, freight-all-kinds*, with prior or subsequent movement by rail, between Radford, Va., and Montgomery, Pulaski, Wythe, Giles, and Carroll Counties, Va., and the city of Galax, Va., for 180 days. Supporting shippers: Hercules, Inc., Pulaski-Hiwassee Plants, Pulaski, Va. 24301; Pulaski Furniture Corp., Pulaski, Va. 24301; Lucerne Textiles, Inc., 226 West 37th Street, New York, N.Y. 10018; Vaughan-Bassett Furniture Co., Galax, Va. 24333. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

MOTOR CARRIER OF PASSENGERS

No. MC 109736 (Sub-No. 32 TA), filed July 24, 1969. Applicant: CAPITOL BUS COMPANY, 1061 South Cameron Street, Harrisburg, Pa. 17105. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Baltimore, Md., and Washington, D.C., over the Baltimore-Washington Expressway, restricted against local service between Baltimore, Md., and Washington, D.C., for 150 days. NOTE: Applicant does intend to tack at Baltimore MC 109736 and interline at Washington, D.C. Supporting shipper: Applicant's own statement. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

By the Commission.

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

[F.R. Doc. 69-9206; Filed, Aug. 5, 1969; 8:47 a.m.]

[Notice 390]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 1, 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-71019. By order of July 24, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Matson Truck Lines, Inc., Albert Lea, Minn., of certificates Nos. MC-115787 (Sub-No. 1) and MC-115787 (Sub-No. 3) issued October 22, 1956, and May 24, 1961, respectively, to Matson Truck Lines of Indiana, Inc., authorizing the transportation of: Laminated wood products and hardware and accessories therefor, from specified points in Indiana to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, practitioner for applicants.

No. MC-FC-71456. By order of July 24, 1969, the Motor Carrier Board approved the transfer to Paul LaBuda, Hazleton, Pa., of the operating rights in certificate No. MC-6859 issued June 9, 1941, to Clarence Hoffa, Hazleton, Pa., authorizing the transportation of household goods, between Ashland, Pa., and points in Pennsylvania within 20 miles thereof, on the one hand, and, on the other, points in New York and New Jersey. Bartel E. Ecker, 605 Citizens Bank Building, Hazleton, Pa. 18201, attorney for applicants.

No. MC-FC-71428. By order of July 28, 1969, the Motor Carrier Board approved the transfer to Oswego Lime Delivery Co. Inc., Post Office Box 174, Lake Oswego, Oreg. 97034, of certificate No. MC-106580 (Sub-No. 1), issued June 19, 1961, to M. F. Butler, Jr., and M. F. Butler, Sr., a partnership, doing business as Lime Delivery Co., Post Office Box 174, Lake Oswego, Oreg. 97034, authorizing the transportation of: Ground limestone, from Lake Oswego, Oreg., to points in specified counties in Washington.

No. MC-FC-71247. By order of July 29, 1969, the Motor Carrier Board approved the transfer to Curtman E. Wilkinson, doing business as North American Moving & Storage, Jacksonville, Ill., of the operating rights in certificate No. MC-9686 issued February 12, 1953, to Thomas W. Eades, doing business as Eades Transfer & Storage, Jacksonville, Ill., authorizing the transportation, over irregular routes, of household goods, between points in Morgan County, Ill., on the one hand, and, on the other, points in Missouri, Iowa, and Indiana. Mack Stephenson, 301 North Second Street, Springfield, Ill. 62702, attorney for applicants.

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

[F.R. Doc. 69-9207; Filed, Aug. 5, 1969; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August