

FEDERAL REGISTER

VOLUME 34 • NUMBER 165

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Pages 13725-13787

Agencies in this issue—

Agricultural Research Service
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Emergency Preparedness Office
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Railroad Administration
Fish and Wildlife Service
General Services Administration
Interstate Commerce Commission
Packers and Stockyards
Administration
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the positions of Director, Tobacco Division and Director, Livestock and Dairy Division, Agricultural Stabilization and Conservation Service, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (6) and (7) are added to paragraph (h) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

(h) *Agricultural Stabilization and Conservation Service.*

(6) Director, Tobacco Division.

(7) Director, Livestock and Dairy Division.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[P.R. Doc. 69-10289; Filed, Aug. 27, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

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

PART 26—GRAIN STANDARDS

Subpart A—Regulations

POSTPONEMENT OF EFFECTIVE DATES

Statement of considerations. On February 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1859), an amendment of the regulations (7 CFR 26.1 et seq.) under the U.S. Grain Standards Act, as amended (Public Law 90-487).

While most of the provisions of the regulations became effective March 10, 1969, the effective date of certain provisions of the regulations, including inspection tolerances, file samples, and volume of inspection reports, was delayed to provide additional time for the official inspection agencies and the Department of Agriculture to prepare for carrying out those provisions. The delayed effective dates as published on page 1889 in the February 8, 1969, FEDERAL REGISTER (34 F.R. 1889) are as shown below:

Provisions of regulations	Subject matter	Effective date
§ 26.30(d)(2) § 26.38(d) § 26.48(d) § 26.55(b)(2) § 26.57	Tolerances...	September 1, 1969.
	File samples...	August 1, 1969: <i>Provided</i> , That any official inspection agency may voluntarily adopt the prescribed system for file samples at any earlier date.
§ 26.100(i).....	Volume of inspection reports.	August 1, 1969.

It now appears that additional time is needed for official inspection agencies and the Department of Agriculture to prepare for carrying out those provisions. Accordingly, under authority contained in section 16 of the U.S. Grain Standards Act (7 U.S.C. 87e), such provisions of the regulations shall not be applicable until further notice.

This notice does not impose any further requirements on the grain trade or on official inspection agencies. Therefore, it is found upon good cause, under the administrative procedure provision of 5 U.S.C. 553, that notice and other public procedure with respect to this notice are impracticable and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

This notice shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of August 1969.

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

[P.R. Doc. 69-10288; Filed, Aug. 27, 1969; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

REGULATED AREAS

Under the authority of § 301.81-2 of the Imported Fire Ant Quarantine regulations, 7 CFR 301.81-2, as amended, 33 F.R. 9750, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.81-2a, as follows:

§ 301.81-2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into

generally infested areas or suppressive areas as indicated below:

ALABAMA

(1) *Generally infested areas.*
Autauga County. The entire county.
Baldwin County. The entire county.
Barbour County. The entire county.
Bibb County. The entire county.
Blount County. That portion of the county lying south of the north line of T. 12 S.; and those portions of Tps. 10 and 11 S., Rs. 1 and 2 W. lying in the county.

Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Chilton County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Coffee County. The entire county.
Conecuh County. The entire county.
Coosa County. The entire county.
Covington County. The entire county.
Crenshaw County. The entire county.
Dale County. The entire county.
Dallas County. The entire county.
Elmore County. The entire county.
Escambia County. The entire county.
Fayette County. The entire county.
Geneva County. The entire county.
Greene County. The entire county.
Hale County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Jefferson County. The entire county.
Lamar County. The entire county.
Lee County. The entire county.
Lowndes County. The entire county.
Macon County. The entire county.
Marengo County. The entire county.
Marion County. The entire county.
Mobile County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Perry County. The entire county.
Picksens County. The entire county.
Pike County. The entire county.
Russell County. The entire county.
St. Clair County. The entire county.
Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.

(2) *Suppressive areas.*
Cleburne County. That portion of the county lying south of the north line of T. 15 S. and west of the east line of R. 11 E.
Cullman County. The entire county.
Etowah County. S½, T. 11 S., R. 5 E.; T. 12 S., R. 5 E.; that portion of T. 13 S., R. 5 E., lying in the county; and that portion of the county lying east of the west line of R. 6 E.
Limestone County. S½, T. 3 S., R. 4 W.; T. 4 S., R. 4 W.; all of T. 5 S., R. 4 W., lying north of the Tennessee River; SE¼, T. 3 S., R. 5 W.; and that part of the E½, T. 4 S., R. 5 W., lying north of the Tennessee River.
Morgan County. N½, T. 6 S., Rs. 4 and 5 W.; and those portions of T. 5 S., Rs. 4 and 5 W., and T. 4 S., R. 5 W., lying south of the Tennessee River.

Randolph County. That portion of the county lying west of the east line of R. 11 E. and the remainder of the county south of the north line of T. 20 S.

ARKANSAS

- (1) *Generally infested areas.* None.
 (2) *Suppressive areas.*
Ashley County. Those portions of Tps. 17, 18, and 19 S., Rs. 6, 7, 8, 9, and 10 W., lying in Ashley County.
Union County. The entire county.

FLORIDA

- (1) *Generally infested areas.*
Baker County. Tps. 1 N. and 1 S., R. 21 E. and that portion of the county lying south of the north line of T. 2 S.
Bay County. The entire county.
Bradford County. That part of the county north of State Road 16 and east of the west boundary line of R. 22 E., except the city of Starke.
Brevard County. That portion of the county lying within an area 4 miles wide with Interstate 95 as centerline beginning at the Volusia-Brevard County line and extending southward to the south section lines of secs. 13, 14, 15, and 16, T. 27 S., R. 36 E.
Calhoun County. The entire county.
Charlotte County. That portion of the county lying within Tps. 40 and 41 S., Rs. 19, 20, 21, 22, 23, and 24 E., and T. 42 S., Rs. 20 and 21 E.
Citrus County. S. 1/2, T. 20 S., R. 19 E., and that portion of T. 1 S., R. 19 E., lying within the county.
Clay County. That portion of the county lying north of the south line of T. 6 S.
Columbia County. E. 1/2, T. 3 S., R. 15 E., and secs. 1, 2, 11, 12, 13, and 14, T. 4 S., R. 15 E.; T. 3 S., R. 16 E., N. 1/2, T. 4 S., R. 16 E.; T. 3 S., R. 17 E., excluding the corporate limits of Lake City; and T. 3 S., R. 18 E.
De Soto County. The entire county.
Duval County. The entire county.
Escambia County. The entire county.
Franklin County. The entire county.
Gadsden County. The entire county.
Gulf County. The entire county.
Hamilton County. That portion of the county lying west of the east line of R. 15 E., except the cities of White Springs and Jasper.
Hardee County. That portion of the county lying south of the south line of T. 35 S.
Hernando County. The entire county.
Hillsborough County. That portion of the county lying north of the south line of T. 28 S.
Holmes County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Lake County. That portion of the county bounded by a line beginning at the junction of State Highway 437 and State Highway 44A, thence extending eastward along State Highway 44A to its junction with State Highway 44; thence northeast along State Highway 44 to the Lake-Volusia County line; thence southward along the east boundary line of Lake County to the Lake-Orange County line; thence west along the Lake-Orange County line to the west boundary line of sec. 35, T. 19 S., R. 27 E.; thence north along the west boundary line of sec. 35, T. 19 S., R. 27 E., to the junction of State Highway 46; thence eastward along State Highway 46 to its junction with State Highway 437; thence east and north along State Highway 437 to the point of beginning; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 20 S., R. 26 E., and that portion of the county lying south of the north line of T. 21 S.
Leon County. The entire county.
Liberty County. The entire county.
Madison County. That portion of the county lying west of the east boundary line of R. 8 E.
Manatee County. That portion of the county lying south of the south line of T. 35 S.

- Marion County.* S. 1/2, T. 12 S. and all of T. 13 S., R. 20 E.; SW 1/4, T. 12 S., W. 1/2, and SE 1/4, T. 13 S., and Tps. 14 S. and 15 S., R. 21 E.; and S. 1/2, T. 13 S., and T. 14 S., R. 22 E., excluding the city of Reddick.
Nassau County. The entire county.
Okaloosa County. The entire county.
Orange County. The entire county.
Osceola County. That portion of the county bounded by a line beginning at the extreme northwestern corner of Osceola County and extending eastward along the Osceola-Orange County line to the Sunshine State Parkway; thence southward along the Sunshine State Parkway to the north line of T. 27 S.; thence east along the north line of T. 27 S. to the east line of R. 30 E.; thence south along said line to its intersection with the Sunshine State Parkway; thence southeast along the Sunshine State Parkway to the east line of R. 31 E.; thence south along said line to the south boundary line of T. 29 S.; thence west along said line to the Osceola-Polk County line; thence northward along the Osceola-Polk County line to the point of beginning.
Pasco County. The entire county.
Pinellas County. That portion of the county lying north of the south line of T. 28 S.
Polk County. The entire county.
St. Johns County. That portion of the county lying north of the south line of T. 6 S. and that portion of T. 7 S., R. 27 E. lying within the county.
Santa Rosa County. The entire county.
Sarasota County. The entire county.
Seminole County. The entire county.
Sumter County. The entire county.
Suwannee County. Those portions of Tps. 1 and 2 S., Rs. 13, 14, and 15 E., lying in the county and secs. 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, and 18, T. 3 S., R. 15 E.
Taylor County. That portion of the county bounded by a line beginning at the point where the west boundary line of R. 5 E. intersects the Aucilla River thence extending northeastward along said river to the Madison-Taylor County line; thence east along the Madison-Taylor County line to State Highway 55; thence south along said highway to the northern boundary of the city limits of Perry; thence west and south along said city limits to State Highway 30; thence southwestward and northward along State Highway 30 to the west boundary line of R. 5 E.; thence north along the west boundary line of R. 5 E. to the point of beginning; and T. 6 S., R. 9 E.
Union County. That portion of the county lying in Tps. 4 and 5 S., Rs. 19, 20, 21, and 22 E., except secs. 29, 30, 31, and 32, T. 5 S., R. 20 E.
Volusia County. That portion of T. 17 S., R. 29 E. lying in Volusia County; secs. 23, 24, 25, 26, 35, and 36, T. 16 S., R. 30 E.; Tps. 17 and 18 S., R. 30 E., and that portion of T. 49 S., R. 30 E. lying in the county; Tps. 16, 17, and 18 S., R. 31 E., and those portions of Tps. 19 and 20 S., R. 31 E. lying in Volusia County; T. 18 S., R. 32 E., and that portion of T. 19 S., R. 32 E. lying in Volusia County; and those portions of Tps. 19 and 20 S., R. 33 E. lying in Volusia County.
Wakulla County. The entire county.
Walton County. The entire county.
Washington County. The entire county.
 (2) *Suppressive areas.*
Alachua County. Secs. 2, 3, 10, and 11, T. 10 S., R. 20 E.
Citrus County. T. 17 S., Rs. 15 and 16 E. lying in Citrus County and T. 19 S., R. 17 E.
Dixie County. That portion of the county beginning at the junction of sec. 7, T. 9 S., R. 11 E., and State Road 358, thence extending east and southeast along said road to its junction with State Road 55, thence south-

- east along said road to its junction with the south boundary line of T. 9 S., thence west along said line to its junction with the west boundary line of R. 11 E., thence north along said line to the point of beginning.
Highlands County. Tps. 33, 34, 35, and N. 1/2, lying north of the south line of T. 35 S.
Highlands County. Tps. 33, 34, 35, and N. 1/2, T. 36 S., R. 28 E., except the city of Sebring.
Hillsborough County. That portion of the county lying south of the south line of T. 28 S.
Manatee County. That portion of the county lying north of the south line of T. 35 S.
Pinellas County. That portion of the county lying south of the south line of T. 28 S.

GEORGIA

- (1) *Generally infested areas.*
Baker County. The entire county.
Brooks County. The entire county.
Calhoun County. The entire county.
Chattahoochee County. The entire county.
Clay County. The entire county.
Colquitt County. The entire county.
Cook County. The entire county.
Decatur County. The entire county.
Dougherty County. The entire county.
Early County. The entire county.
Grady County. The entire county.
Harris County. The entire county.
Heard County. That portion of the county lying within Georgia Militia Districts 761, 939, 702, 788, 938, 693, and 792.
Lee County. The entire county.
Marion County. The entire county.
Meriwether County. The entire county.
Miller County. The entire county.
Mitchell County. The entire county.
Muscooke County. The entire county.
Quitman County. The entire county.
Randolph County. The entire county.
Schley County. The entire county.
Seminole County. The entire county.
Stewart County. The entire county.
Sumpter County. The entire county.
Terrell County. The entire county.
Thomas County. The entire county.
Troup County. The entire county.
Webster County. The entire county.
Worth County. The entire county.
 (2) *Suppressive areas.*
Baldwin County. The entire county.
Ben Hill County. The entire county.
Bibb County. The entire county.
Bleckley County. The entire county.
Brantley County. The entire county.
Bryan County. The entire county.
Bulloch County. That portion of the county lying within Georgia Militia Districts 1803, 1340, 47, and 1523.
Butts County. That portion of the county lying within Buttrill Georgia Militia District 615, Jackson Georgia Militia District 612, Towalliga Georgia Militia District 610, and Goodys Georgia Militia District 613.
Chatham County. The entire county.
Clayton County. The entire county.
Coffee County. The entire county.
Crawford County. The entire county.
Crisp County. The entire county.
De Kalb County. The entire county.
Dodge County. The entire county.
Dooly County. The entire county.
Effingham County. The entire county.
Evans County. That portion of the county lying within Daisy Georgia Militia District 401.
Fayette County. The entire county, except Georgia Militia District 624.
Fulton County. That portion of the county lying in the corporate limits of Hapeville, College Park, East Point, and Atlanta; that portion of the county lying north of the corporate limits of Atlanta to the Chattahoochee

River; and that portion of the county lying within Georgia Militia Districts 1204, 1725, 499, 479, and 1762.

Gwinnett County. That portion of the county lying south and west of Georgia Highway 120 and Georgia Highway 124, including all of the area in the corporate limits of Snellville, Lawrenceville, and Duluth.

Henry County. The entire county.
Houston County. The entire county.
Irwin County. The entire county.
Jeff Davis County. The entire county.
Jones County. The entire county.
Lamar County. The entire county.
Laurens County. The entire county.
Liberty County. The entire county.
Lowndes County. That portion of the county lying within Georgia Militia Districts 1267, 1246, and 863.

Macon County. The entire county.
Monroe County. The entire county.
Peach County. The entire county.
Pierce County. The entire county.
Pike County. The entire county.
Pulaski County. The entire county.
Richmond County. That portion of the county lying north of Butler Creek.

Rockdale County. That portion of the county lying south of Interstate Highway 20, including the corporate limits of Conyers.

Spalding County. The entire county except Georgia Militia District 490.

Talbot County. The entire county.
Taylor County. The entire county.
Telfair County. The entire county.
Tift County. The entire county.
Turner County. The entire county.
Upson County. The entire county.
Twiggs County. The entire county.

Ware County. That portion of the county lying within Haywood Georgia Militia District 1030, James-Town Georgia Militia District 1372, Wareboro Georgia Militia District 451, Waycross Georgia Militia District 1231, Braganza Georgia Militia District 1404, and Beach Georgia Militia District 1669.

Wheeler County. The entire county.
Wilcox County. The entire county.
Wilkinson County. The entire county.

LOUISIANA

(1) Generally infested areas.

Acadia Parish. The entire parish.
Allen Parish. The entire parish.
Ascension Parish. The entire parish.
Assumption Parish. The entire parish.
Avozelles Parish. The entire parish.
Beauregard Parish. The entire parish.
Calcasieu Parish. The entire parish.
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East Feliciana Parish. The entire parish.
Evangeline Parish. The entire parish.
Franklin Parish. The entire parish.
Grant Parish. The entire parish.
Iberia Parish. The entire parish.
Iberville Parish. The entire parish.
Jefferson Parish. The entire parish.
Jefferson Davis Parish. The entire parish.
Lafayette Parish. The entire parish.
Lafourche Parish. The entire parish.
La Salle Parish. The entire parish.
Livingston Parish. The entire parish.
Orleans Parish. The entire parish.
Plaquemines Parish. The entire parish.
Pointe Coupee Parish. The entire parish.
Rapides Parish. The entire parish.
St. Bernard Parish. The entire parish.
St. Charles Parish. The entire parish.
St. Helena Parish. The entire parish.
St. James Parish. The entire parish.
St. John the Baptist Parish. The entire parish.

St. Landry Parish. The entire parish.
St. Martin Parish. The entire parish.

St. Mary Parish. The entire parish.
St. Tammany Parish. The entire parish.
Tangipahoa Parish. The entire parish.
Tensas Parish. The entire parish.
Terrebonne Parish. The entire parish.
Vermilion Parish. The entire parish.
Vernon Parish. The entire parish.
Washington Parish. The entire parish.
West Baton Rouge Parish. The entire parish.

West Feliciana Parish. The entire parish.
(2) **Suppressive areas.**
Bienvenue Parish. That portion of the parish lying west of the east line of R. 9 W., and that portion of the parish lying in T. 18 N. and T. 14 N., lying west of the east line of R. 7 W.

Bossier Parish. The entire parish.
Caddo Parish. The entire parish.
De Soto Parish. That portion of the parish lying north of the south line of T. 14 N., and east of the west line of R. 15 W., and that portion of the parish lying in T. 12 N., R. 10 W., R. 11 W., R. 12 W., R. 13 W.; T. 13 N., R. 11 W., R. 12 W., and R. 13 W.

East Carroll Parish. The entire parish.
Jackson Parish. The entire parish.
Lincoln Parish. The entire parish.
Madison Parish. The entire parish.
Morehouse Parish. The entire parish.
Natchitoches Parish. That portion of the parish lying south of the south line of T. 10 N. and east of the east line of R. 7 W. All of that portion of the parish within R. 6 W., R. 7 W., and R. 8 W. in T. 10 N. and T. 11 N., and that area lying in T. 12 N., R. 7 W. and R. 8 W.; T. 13 N., 7 W. and R. 8 W.

Ouachita Parish. The entire parish.
Red River Parish. The entire parish.
Richland Parish. The entire parish.
Sabine Parish. All that portion of the parish lying south of the north line of T. 8 N., R. 12 W., R. 13 W., R. 14 W.; and that portion south of the north line of T. 6 N., R. 10 W., and R. 11 W.

Union Parish. The entire parish.
Webster Parish. That portion of the parish lying south of the north line T. 19 N.
West Carroll Parish. The entire parish.
Winn Parish. That portion of the parish lying east of the west line of R. 2 W.

MISSISSIPPI

(1) Generally infested areas.

Adams County. The entire county.
Amite County. The entire county.
Attala County. The entire county.
Calhoun County. The entire county.
Chickasaw County. The entire county.
Choctaw County. The entire county.
Claiborne County. The entire county.
Clarke County. The entire county.
Clay County. That portion of the county lying north of the north line of T. 17 S.
Copiah County. The entire county.
Covington County. The entire county.
Forrest County. The entire county.
Franklin County. The entire county.
George County. The entire county.
Greene County. The entire county.
Hancock County. The entire county.
Harrison County. The entire county.
Hinds County. The entire county.
Issaquena County. The entire county.
Itawamba County. The entire county.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Jefferson Davis County. The entire county.
Jones County. The entire county.
Kemper County. The entire county.
Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. The entire county.
Leake County. The entire county.
Lee County. The entire county.
Lincoln County. The entire county.
Madison County. The entire county.
Marion County. The entire county.

Monroe County. The entire county.
Neshoba County. The entire county.
Newton County. The entire county.
Noxubee County. The entire county.
Pearl River County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Pontotoc County. The entire county.
Rankin County. The entire county.
Scott County. The entire county.
Sharkey County. The entire county.
Simpson County. The entire county.
Smith County. The entire county.
Stone County. The entire county.
Walthall County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wilkinson County. The entire county.
Winston County. The entire county.
Yazoo County. The entire county.

(2) **Suppressive areas.**
Clay County. That portion of the county lying south of the north line of T. 17 S.
Grenada County. NE $\frac{1}{4}$ T. 22 N., R. 7 E.; SE $\frac{1}{4}$ T. 23 N., R. 7 E.

Holmes County. That portion of T. 14 N., R. 4 E., lying east of the 1820 Choctaw Treaty boundary line; those portions of secs. 6, 7, and 18, T. 14 N., R. 5 E., lying in Holmes County.

Lowndes County. The entire county.
Oktibbeha County. The entire county.
Union County. T. 7 S., and N $\frac{1}{2}$ T. 8 S., R. 4 E.; those portions of Tps. 7 and 8 S., R. 5 E. lying in the county.

SOUTH CAROLINA

(1) Generally infested areas.

Calhoun County. The entire county.
Horry County. The entire county.
Orangeburg County. That portion of the county bounded by a line beginning at a point where U.S. Highway 21 intersects the Orangeburg-Calhoun County line, thence extending in a southeasterly and northeasterly direction along said county line to the western shoreline of Lake Marion, thence south-east along said shoreline to its intersection with U.S. Highway 15, thence southwest and south along said highway to its intersection with the Orangeburg-Dorchester County line, thence north and southwest along said county line to its intersection with the Edisto River, thence northwest along said river and South Fork Edisto River to its intersection with U.S. Highway 601, thence northeast along said highway to its intersection with State Secondary Highway 376, thence northwest along said highway to its junction with State Secondary Highway 74, thence in a northeasterly direction along said highway to its junction with U.S. Highway 178, thence in a southeasterly direction along said highway to its junction with State Secondary Highway 61, thence in a northerly direction along said highway to its junction with the Calhoun-Orangeburg County line, thence along said county line to the point of beginning.

Richland County. That portion of the county bounded by a line beginning at a point where U.S. Highway 1 intersects the Richland-Kershaw County line, thence southeast and east along said county line to its intersection with the Wateree River, thence south along said river to its junction with the Congaree River, thence northwesterly along said river to its junction with the Saluda River, thence northwest along said river to its intersection with Interstate Highway 26, thence northerly along said highway to its intersection with Interstate Highway 20, thence easterly along said highway to its intersection with U.S. Highway 1, thence northeast along said highway to the point of beginning.

(2) **Suppressive areas.**

Beaufort County. That portion of the county lying southwest of Fort Royal Sound and Broad River.

Berkeley County. The entire county.

Charleston County. That portion of the county bounded by a line beginning at a point where U.S. Highway 78 intersects the Charleston-Dorchester County line and extending northeast along said county line to its junction with the Charleston and Berkeley County line, thence south and east along said county line to its junction with Cooper River, thence in a southerly direction along said river to its junction with the Wando River and the Berkeley-Charleston County line, thence northeast along the Berkeley-Charleston County line to its junction with the South Santee River, thence southeast along said river to its intersection with U.S. Highway 17, thence in a westerly direction along said highway to its intersection with State Primary Highway 171, thence south along said highway to its junction with State Primary Highway 700, thence west along said highway to its intersection with State Secondary Highway 20, thence northwest and north along said highway to its intersection with U.S. Highway 17, thence west along said highway to its intersection with the Edisto River, thence north along said river to the Charleston-Dorchester County line, thence along said county line to the point of beginning.

Colleton County. That portion of the county bounded by a line beginning at a point where U.S. Highway 15 intersects the Edisto River, thence east and south along said river to its intersection with U.S. Highway 17, thence west along said highway to its junction with State Primary Highway 303, thence north along said highway to its junction with U.S. Highway 15, thence north along said highway to the point of beginning.

Dorchester County. The entire county.

Hampton County. That portion of the county bounded by a line beginning at a point where the Savannah River junctions with the Hampton-Allendale County line, thence extending east and northeast along said county line to its intersection with State Secondary Highway 20, thence southeast along said highway to its junction with State Secondary Highway 48, thence east along said highway to its junction with State Secondary Highway 25, thence east along said highway to its junction with State Primary Highway 333, thence east along said highway to its junction with U.S. Highway 601, thence south along said highway to its intersection with the Hampton-Jasper County line, thence southwest along said county line to its junction with the Savannah River, thence northwest and north along said river to the point of beginning.

Jasper County. That portion of the county bounded by a line beginning at a point where the Savannah River junctions with the Jasper-Hampton County line, thence extending northeast along said county line to its intersection with the Southern Railway, thence south along said highway to its junction with State Primary Highway 336, thence east along said highway to its junction with State Secondary Highway 110, thence southeast along said highway to its junction with U.S. Highway 17, thence southwest along said highway to its junction with State Secondary Highway 141, thence northeast along said highway to its intersection with New River, thence south along said river to the Atlantic Ocean, thence southwest to a point where the Savannah River enters the Atlantic Ocean, thence northwest along said river to the point of beginning.

TEXAS

(1) Generally infested areas.

Angelina County. The entire county.

Austin County. The entire county.

Bezar County. The entire county.

Brasoria County. The entire county.

Chambers County. The entire county.

Colorado County. The entire county.

Dallas County. The entire county.

Denton County. The entire county.

Fort Bend County. The entire county.

Galveston County. The entire county.

Grimes County. The entire county.

Hardin County. The entire county.

Harris County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Liberty County. The entire county.

Montgomery County. The entire county.

Nacogdoches County. The entire county.

Newton County. The entire county.

Orange County. The entire county.

Polk County. The entire county.

Sabine County. The entire county.

San Augustine County. The entire county.

San Jacinto County. The entire county.

Tarrant County. That portion of the county bounded by a line beginning at a point where Texas State Highway 114 intersects the Denton-Tarrant County line, and extending east along said county line to the Tarrant-Dallas County line, thence south along said county line to its intersection with Harwood-Dallas County line road, thence westerly along said road to its junction with Arlington-Webb-Britton Road, thence south along said road to its junction with Poly-Webb Road, thence westerly along said road to its junction with Texas Farm Road 157, thence northerly and easterly along said road to its intersection with Texas State Highway 114, thence northwesterly along said highway to the point of beginning including the entire cities of Grand Prairie, Arlington, and Grapevine but excluding the cities of Euless, Bedford, Colleyville, Southlake, and Westlake.

Tyler County. The entire county.

Waller County. The entire county.

Wharton County. The entire county.

(2) Suppressive area.

Gregg County. The entire county.

(Secs. 8, 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.81-2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.81-2a, effective August 22, 1968.

The Director of the Plant Pest Control Division has determined that infestations of the imported fire ant exist or are likely to exist in the civil divisions, and parts of civil divisions listed above, or that it is necessary to regulate such areas because of their proximity to imported fire ant infestations or their inseparability for quarantine enforcement purposes from imported fire ant infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Accordingly, such civil divisions and parts of civil divisions listed above, are designated as imported fire ant regulated areas.

This revision adds to the regulated areas all or parts of the following previously nonregulated counties: Holmes in Mississippi; and Beaufort, Calhoun, Colleton, Hampton, and Richland Counties in South Carolina.

This document imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant, and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulations are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of August 1969.

[SEAL]

JOSEPH F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 69-10298; Filed, Aug. 27, 1969; 8:48 a.m.]

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

[Valencia Orange Reg. 291]

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

Limitation of Handling

§ 908.591 Valencia Orange Regulation 291.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted,

under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 26, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 29, 1969, through September 4, 1969, are hereby fixed as follows:

- (i) District 1: 298,000 cartons;
- (ii) District 2: 394,000 cartons;
- (iii) District 3: 8,000 cartons.

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

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

Dated: August 27, 1969.

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

[F.R. Doc. 69-10414; Filed, Aug. 27, 1969;
11:53 a.m.]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Expenses and Rate of Assessment

On August 9, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12950) regarding proposed expenses and the related rate of assessment for the period April 1, 1969, through March 31, 1970, pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1969, through March 31, 1970, will amount to \$11,575.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at \$0.70 per ton of fresh prunes.

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

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

Dated: August 25, 1969.

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

[F.R. Doc. 69-10301; Filed, Aug. 27, 1969;
8:48 a.m.]

PART 981—ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1969-70 Crop Year

Notice was published in the August 12, 1969 issue of the FEDERAL REGISTER (34 F.R. 13035) regarding a proposal to establish salable and surplus percentages applicable to California almonds for the 1969-70 crop year beginning July 1, 1969. The percentages are based on the unanimous recommendation of the Almond Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

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

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish salable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and surplus percentages for almonds received by handlers for their own accounts during the 1969-70 crop year are established as follows:

§ 981.219 Salable and surplus percentages for almonds during the crop year beginning July 1, 1969.

The salable and surplus percentages during the crop year beginning July 1, 1969, shall be 65 percent and 35 percent, respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and surplus percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1969, and the percentages established herein will automatically apply to all such almonds beginning with such date.

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

Dated: August 25, 1969.

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

[F.R. Doc. 69-10300; Filed, Aug. 27, 1969;
8:48 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of Hop Administrative Committee and Rate of Assessment for 1969-70 Marketing Year

Notice was published in the August 12, 1969, issue of the FEDERAL REGISTER (34 F.R. 13035) regarding proposed expenses of the Hop Administrative Committee for the 1969-70 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of the Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

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

After consideration of all relevant matter presented, including that in the

notice, the information and the unanimous recommendations submitted by the Hop Administrative Committee and other available information, it is found that the expenses of the Hop Administrative Committee and rate of assessment for the marketing year beginning August 1, 1969, shall be as follows:

§ 991.304 Expenses of the Hop Administrative Committee and rate of assessment for the 1969-70 marketing year.

(a) *Expenses.* Expenses in the amount of \$135,000 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1969, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.225 cent per pound of salable hops.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that: (1) The relevant provisions of the marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year begins on August 1, 1969, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

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

Dated: August 25, 1969.

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

[F.R. Doc. 69-10299; Filed, Aug. 27, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1424—BULK OILS

Subpart—Standards for Approval of Bulk Oil Warehouses

GENERAL STATEMENT AND ADMINISTRATION

In § 1424.1, paragraph (b) of the Standards for Approval of Bulk Oil Warehouses, published on March 6, 1969, and March 15, 1969, in the *FEDERAL REGISTER* (34 F.R. 4880, 5300), is hereby amended to provide that copies of the CCC storage contract and other forms required for approval of warehouses for the storage and handling of tung oil may be obtained from the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S.

Department of Agriculture, Washington, D.C. 20250, in lieu of the Producer Associations Division. The amended paragraph reads as follows:

§ 1424.1 General statement and administration.

(b) Copies of the applicable CCC storage contract and other forms required to obtain approval under this subpart may be obtained from the following offices:

(1) For cottonseed oil and castor oil, from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112; (2) for tung oil, from the National Tung Oil Marketing Cooperative, Inc., Post Office Box 73, Poplarville, Miss. 39470, or the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250; and (3) for linseed oil and oil other than cottonseed oil, castor oil, and tung oil, from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55410.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Effective date: Date of publication in the *FEDERAL REGISTER*.

Signed at Washington, D.C., on August 19, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-10241; Filed, Aug. 27, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-91]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Boston, Mass., control zone (34 F.R. 4566).

The NDB (ADF) RWY 22L instrument approach procedure for Logan International Airport, Boston, Mass., predicated on the Logan International Airport Runway 4-R Middle Compass Locator (LMM) has been cancelled and a new NDB (ADF) RWY 22L instrument approach procedure predicated on the Lynnfield radiobeacon has been authorized. As a result, the Boston, Mass., control zone extension described by reference to the Runway 4-R LMM is no longer required and can be revoked.

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

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Boston, Mass., the amendment is herewith made effective upon publication in the *FEDERAL REGISTER*.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Boston, Mass., control zone the words "and within 2 miles" and all thereafter.

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

Issued in Jamaica, N.Y., on August 13, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10281; Filed, Aug. 27, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-90]

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

Alteration of Control Zone and Transition Areas

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Columbus, Ohio, control zone (34 F.R. 4572, 9030) and Transition Area (34 F.R. 4668, 7274, 9030) and Rockland, Maine, transition area (34 F.R. 4756).

A change in the coordinates used to express the geographic position of the Port Columbus International Airport, Columbus, Ohio, in the description of the Columbus, Ohio, control zone and transition area requires alteration of these airspace designations to reflect this change.

Additionally, a change in the name of Rockland Municipal Airport requires alteration of the present designation of the Rockland, Maine, transition area to reflect the new name in the description.

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 view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Columbus, Ohio, and Rockland, Maine, the amendment is herewith made effective upon publication in the *FEDERAL REGISTER* as follows:

1. Amend § 71.171 of the Federal Aviation Regulations by deleting in the description of the Columbus, Ohio, control zone the Port Columbus International Airport coordinates and inserting in lieu thereof "39°59'45" N., 82°53'20" W."

2. Amend § 71.181 of the Federal Aviation Regulations by deleting in the description of:

(a) The Columbus, Ohio, transition area, the Port Columbus International Airport coordinates and inserting in lieu thereof "39°59'45" N., 82°53'20" W.", and in

(b) The Rockland, Maine, transition area the name "Rockland Airport" and insert in lieu thereof "Knox County Airport".

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

Issued in Jamaica, N.Y., on August 13, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10282; Filed, Aug. 27, 1969; 8:47 a.m.]

nishing such equipment, materials, or commodities which may be transported by ocean vessel.

The applicable statutory provisions are found in section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241(b)). See also § 5-19.108 (41 CFR 5-19.108) concerning the implementing policies and procedures followed by the General Services Administration.

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

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

Dated: August 21, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-10254; Filed, Aug. 26, 1969; 3:45 p.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-19—TRANSPORTATION

Use of U.S.-Flag Commercial Vessels

Section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241(b)), requires transportation in American vessels of certain cargoes procured, furnished, or financed by the United States. To guide agencies in observing and implementing the applicable provisions of sec. 901(b) of the Act, FPR Subpart 1-19 is amended by the addition of sections concerning the use of privately owned U.S.-flag commercial vessels in ocean transportation.

The table of contents of Part 1-19 is amended by the addition of the following entries:

1-19.108 Ocean transportation.
1-19.108-1 Use of privately owned U.S.-flag commercial vessels.

Subpart 1-19.1—General

Sections 1-19.108 and 1-19.108-1 are added to read as follows:

§ 1-19.108 Ocean transportation.

§ 1-19.108-1 Use of privately owned U.S.-flag commercial vessels.

Each agency shall give due recognition to applicable statutory provisions concerning use of privately owned U.S.-flag commercial vessels whenever:

(a) Any equipment, material, or commodities, within or without the United States, which may be transported by ocean vessel, are:

(1) Procured, contracted for, or otherwise obtained for the agency's account; or

(2) Furnished to or for the account of any foreign nation without provision for reimbursement.

(b) Funds or credits are advanced or the convertibility of foreign currencies is guaranteed in connection with fur-

Chapter 5—General Services Administration

PART 5-19—TRANSPORTATION

Use of U.S.-Flag Commercial Vessels

The General Services Administration Procurement Regulations are amended to prescribe requirements regarding the use of privately owned U.S.-flag commercial vessels and to prescribe restrictive clauses for use in charter party agreements. Obsolete material in Subpart 5-19.50 concerning shipment on vessels in the Cuban trade has been deleted.

Subpart 5-19.1—General

§ 5-19.108 Ocean transportation.

§ 5-19.108-1 Use of privately owned U.S.-flag commercial vessels.

(a) **GSA policy.** It shall be the policy of GSA to transport, to the greatest extent possible, all ocean shipments, in- or out-bound, by privately owned U.S.-flag commercial vessels.

(b) **Clause for contractor-arranged ocean transportation of commodities.** Unless the shipping activity authorizes to the contrary, any contract under which (1) commodities may be procured and (2) the contractor arranges for ocean transportation, shall contain the following provision or appropriate modification:

USE OF U.S.-FLAG COMMERCIAL VESSELS

Any equipment, materials, or commodities required under this contract, which are to be transported on ocean vessels, shall be transported on privately owned U.S.-flag commercial vessels. When such vessels are not available, the Contractor must obtain the approval of the Contracting Officer to use foreign-flag vessels. The contract price shall be adjusted to reflect any difference in transportation charges when such foreign-flag vessels are authorized. A copy of the ocean bill of lading covering each shipment shall be submitted to the Contracting Officer.

(c) **Assistance to GSA contracting officer.** Contracting officers may contact the Transportation and Communications Service for assistance regarding approval

of the use of foreign-flag vessels, adjustment of transportation charges, and other transportation matters.

§ 5-19.108-2 Shipments by foreign-flag vessels in Cuban or North Vietnam trade.

(a) **Vessels listed in the Federal Register by the Department of Commerce.** (1) No ocean shipment of material, to or from the United States, shall be arranged by GSA on a foreign-flag vessel which has been listed in the FEDERAL REGISTER by the Maritime Administration as having called at a Cuban port on or after January 1, 1963, or at a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce. The Maritime Administration also maintains, on a day-to-day basis, a current index of any changes which occur subsequent to issuance of the latest listing.

(2) The regional Transportation and Communications Service shall (i) ensure that they are on the FEDERAL REGISTER mailing list and (ii) if necessary, supply ocean freight forwarders, under contract with GSA, the published listing of ineligible vessels.

(3) The Transportation and Communications Service, Central Office, shall process requests for exceptions and answer questions concerning provisions of this subpart or the eligibility of specific vessels.

(b) **AID shipments specifying ineligible vessels.** If a country, or its designee, receiving an Agency for International Development (AID) shipment, specifies an ineligible vessel, the Transportation and Communications Service will nominate an eligible vessel.

(c) **Contract clause.** All contracts, including, but not limited to, Federal Supply Schedule contracts, entered into by GSA, which may cause the contractor in the performance thereof to procure ocean transportation for any shipment to or from the United States shall contain the following clause:

NONUSE OF FOREIGN-FLAG VESSELS ENGAGED IN CUBAN OR NORTH VIETNAM TRADE

(1) If, after the date of award, any shipment of supplies to be delivered under this contract, or any shipment of material to be incorporated in such supplies, will require ocean transportation to or from the United States, the Contractor shall not use any foreign-flag vessel which the Maritime Administration has listed in the FEDERAL REGISTER as having called at a Cuban port on or after January 1, 1963, or a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce.

(2) For the purposes of this clause, the term "United States" includes the 50 States, Puerto Rico, possessions of the United States, and the District of Columbia.

(3) The Contractor shall include the substance of this clause, including this paragraph (3), in each subcontract or purchase order hereunder which may involve ocean transportation to or from the United States.

§ 5-19.108-3 Restrictive charter clause—contractor charter party agreements.

All GSA contracts for the procurement of commodities which are likely to be transported on ocean vessels under

charter parties arranged by the contractor shall contain the following restrictive charter clause:

RESTRICTIVE CHARTER CLAUSE

(a) The Contractor agrees to include the following Restrictive Charter clause in any charter party agreement entered into by it for the transportation on foreign-flag vessels of the material purchased hereunder:

"The vessel will not enter any port in North Korea, the Communist-controlled area of Vietnam, Communist China, or any other place under the control of the Chinese Communists, until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the charterer until the owner or his authorized agent submits evidence satisfactory to the charterer that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid."

The Contractor further agrees to notify the vessel owner, or his authorized agent, that in the event of violation of the provisions of said clause all vessels of the owner may be barred from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

(b) Promptly after expiration of the 60-day period provided in the Restrictive Charter clause stated in paragraph (a), above, the Contractor, on the basis of the evidence furnished it by the vessel owner or his authorized agent, shall determine whether the vessel has complied with the above Restrictive Charter clause. If the Contractor determines that the Restrictive Charter clause has been complied with, the Contractor shall pay to the owner of the vessel or his authorized agent the aforesaid withheld 10 percent. If the Contractor determines that said Restrictive Charter clause has not been complied with, the Contractor shall notify the owner of the vessel or his authorized agent of such determination of violation of the clause and shall afford said owner or his authorized agent 30 days within which to furnish to the Contractor any additional evidence which will show to the satisfaction of the Contractor that the Restrictive Charter clause has not been violated. During said 30-day period the Contractor shall continue to withhold the aforesaid 10 percent of the freight charges. If upon the expiration of said 30-day period the owner of the vessel or his authorized agent has not established proof satisfactory to the Contractor of compliance with said Restrictive Charter clause, the Contractor shall advise the owner of the vessel or his authorized agent of such final determination and shall thereafter promptly pay to the Government the full amount of the freight charges withheld by the Contractor pursuant to the aforesaid Restrictive Charter clause.

(c) Promptly after expiration of the 60-day period provided in the above-stated Restrictive Charter clause, the Contractor shall furnish the Contracting Officer with a complete statement of the evidence submitted to it by the owner of the vessel or his authorized agent pursuant to the provisions of the above Restrictive Charter clause on which the Contractor has based its determination that there has been compliance with said Restrictive Charter clause. In the event of a

determination by the Contractor of non-compliance with said clause, the Contractor shall thereafter furnish the Government, promptly after receipt by it, such additional information as may be received by it from the vessel owner or his authorized agent within the 30-day period provided for in paragraph (b), above.

(d) Notwithstanding any other provision of this article, the Contractor and the Contracting Officer agree and stipulate that the question of compliance or noncompliance by the vessel owner with the Restrictive Charter clause is one of fact. Consequently, if after payment by the Contractor to the vessel owner or his authorized agent of the aforesaid withheld 10 percent the Government should discover that the vessel in question did, in fact, enter any port in violation of the Restrictive Charter clause, the Contractor shall be indebted to and shall pay the Government the full amount of said withheld 10 percent of the freight charges. Conversely, if at any time after the Contractor has finally determined that there has been noncompliance with the Restrictive Charter clause and has paid the withheld 10 percent of the freight charges to the Government pursuant to paragraph (b) of this article, it should be conclusively established that the vessel in question did not, in fact, enter any port in violation of the Restrictive Charter clause, the Government shall reimburse the Contractor in the full amount of the 10 percent of freight charges withheld by the Contractor from the vessel owner.

§ 5-19.103-4 Restrictive charter clause—GSA charter party agreements.

All charter party agreements entered into by GSA shall contain the following clause:

RESTRICTIVE CHARTER CLAUSE

The vessel will not enter any port in North Korea, the Communist-controlled area of Vietnam, Communist China, or any other place under the control of the Chinese Communists, until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the Government until the owner or his authorized agent submits evidence satisfactory to the Government that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid. In the event of violation of the provisions of this clause, the Government may, in addition to permanently withholding payment of the aforesaid 10 percent of the freight charges for ocean transportation hereunder, bar or cause to be barred all vessels of the owner from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

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

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

Dated: August 21, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-10255; Filed, Aug. 26, 1969; 3:45 p.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18389; FCC 69-924]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments, Porterville, Calif., and Rhinelander, Wis.

Second report and order. In the matter of amendment of § 73.203, Table of Assignments, FM Broadcast Stations (Porterville, Calif.; Bottineau, N. Dak.; Rhinelander, Wis.; Scobey, Mont.; and Humboldt, Iowa); Docket No. 18389, RM-1335, RM-1338, RM-1339, RM-1347, RM-1351.

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on November 29, 1968 (FCC 68-1147), and published in the FEDERAL REGISTER on December 4, 1968 (33 F.R. 18048), proposing a number of changes in the FM table of assignments. All petitions were disposed of in a previous first report and order (FCC 69-208), except for two: RM-1335, Porterville, Calif., and RM-1339, Rhinelander, Wis. The subject decision concerns the latter petitions and includes consideration of all comments, data and reply comments submitted in response to the notice. All population figures referred to herein are from the 1960 U.S. Census.

2. RM-1335, Porterville, Calif. In a petition filed July 30, 1968, Gateway Broadcasters, Inc., requested assignment of a Class B channel to Porterville, Calif., where Channel 240A is presently assigned and unoccupied. The community has one AM station, KTIP, Class IV, licensed to petitioner. Porterville, located about 45 miles north of Bakersfield, had a 1960 Census population of 7,991 and its county, Tulare, a population of 168,403. According to data furnished with the petition, as of June 1967 the population of Tulare County was 198,722, of which 123,117 was located outside of incorporated communities. It is also submitted that 30,000 persons reside within 6 miles of the Porterville city hall.

3. In support of its request for a Class B assignment, petitioner states that it desires to provide a better FM service to the mountainous area to the east of Porterville than can be provided by the limited facilities obtainable from the presently assigned Class A channel. It is submitted that the present nighttime signal of the single local outlet for Porterville, KTIP (AM), extends only 5.3 miles, which encompasses little more

* Petitioner cites the following sources of data: California State Department of Finance and Chamber of Commerce of Tulare County and Tulare County Planning Commission.

than the city limits, thereby failing to serve the total trading area of Porterville, which is alleged by petitioner to contain 50,000 persons. It is submitted that a Class A operation would not appreciably improve the situation.

4. Based on an assumed elevated site about 3 miles north of Porterville, petitioner has determined that a maximum Class A facility would provide service to an area of 640 square miles containing 33,049 persons, compared to an area of 3,440 miles with a population of 179,038 obtainable by a maximum Class B operation. Based on actual authorized facilities, petitioner originally showed that the anticipated 1 mv/m contour would contain a "white area" of 165 square miles and would provide a second FM service to an additional area of 400 square miles. However, in an amended showing furnished in response to the notice, it is shown that if reasonable facilities are also assumed for unoccupied table assignments in the area, the areas would be 5 and 10 square miles, respectively.

5. Tulare County is presently assigned a total of six FM channels, five Class B and the one Class A at Porterville, only three of which are occupied. One Class B operates at Visalia (15,971) and two at Tulare (13,824). The remaining two Class B channels were assigned to Dinuba (6,103), neither of which has been applied for. We noted in the notice for this proceeding that our review of the Dinuba channels revealed that Channel 262 assigned there is short-spaced about 9 miles with a cochannel San Jose station, KBAY-FM. We therefore suggested that if the underspaced Dinuba assignment were deleted, it could be used in the area about Porterville and meet spacing requirements, and avoid thereby the preclusion considerations resulting from the assignment of Channel 283 originally proposed by petitioner. In response to this aspect of the notice, petitioner points out that a site for Channel 262 meeting the separation requirements at Porterville would need to be located so as to negate selection of an optimum site in the Porterville area best serving the mountainous area to the east, one of the primary objectives underlying its proposal. Accordingly, petitioner suggests that if our proposal to delete the Dinuba short-spaced assignment is adopted, the third adjacent channel, 259, could then be assigned to Porterville and permit a greater latitude in the selection of the most desirable site in the area. Furthermore, our study indicates that if the net preclusion impact is considered (i.e., the existing assignment of Channel 262 at Dinuba compared with the assignment of Channel 259 to Porterville), no city without an FM assignment having a population greater than 1,000 would be deprived of an assignment possibility.²

² Channels are generally plentiful in the areas of impact for Channel 259 by virtue of their relative distances from the concentrated assignments in the Los Angeles and San Francisco areas.

6. After careful review of the petitioner's proposal and comments filed in response to the notice, we conclude that the request is warranted and that it would therefore be in the public interest to assign Channel 259 to Porterville by deletion of the short-spaced assignment at Dinuba. We would also delete the present vacant Class A assignment at Porterville, which will release it for assignment to another community in the area for which a need can be demonstrated. Although the "white" and "gray" area showings in this case are not sufficient to be of decisional significance, the action taken here will retain the same number of Class B channels in Tulare County, reduce the total of existing Class A and B assignments by one, permit the elimination of an undesirable short-spaced assignment, and result in a more equitable distribution of Class B channels among the four largest communities within Tulare County. There were no opposing comments filed in this case.

7. In view of the foregoing, we are deleting Channel 262 from Dinuba, Calif., and substituting Channel 259 for 240A at Porterville, Calif.

8. RM-1339, *Rhineland, Wis.* Charles K. Heath, a potential FM applicant, filed a petition on August 13, 1968, supplementing it on September 4, 1968, requesting a second Class C assignment, Channel 248, to Rhineland, Wis., by moving the channel from Duluth, Minn., and substituting Channel 268 therefor at Duluth, as follows:

City	Channel No.	
	Present	Proposed
Duluth, Minn.	235, 248, 255, 273, 277, 286	235, 255, 268, 273, 277, 286
Rhineland, Wis.	300	248, 300

9. Rhineland is located in north central Wisconsin and has a population of 8,790. It is the largest city and county seat of Oneida County, population 22,112. The presently assigned Channel 300 and the one AM station (unlimited-time) at Rhineland, the only aural outlets in Oneida County, are operated by a common licensee (WOBT AM/FM). A television station is also licensed at Rhineland (WAEQ-TV Ch. 12). Channel 248, which petitioner proposed be deleted from Duluth, is neither occupied nor has an application pending. (There are and would be six channels assigned there, one being authorized at Duluth and another in use at Superior, Wis.)

10. Heath states in his petition and later filings that he will apply for and, if granted, construct a facility with maximum permissible power (100 kw. E.R.P.) and antenna height of at least 500 feet above average terrain. In his comments filed in response to the notice, he contemplated a greater facility, using the WAEQ-TV tower with an antenna height of 1,476 feet above average terrain. However, this tower was later demolished in an accident, and on February 9, 1969, the Commission was notified

by the president of WAEQ-TV that the tower then planned for replacement could not accommodate other antennas, although if it should be rebuilt differently than planned space for an FM station might be available. Heath then made further showings based on his original 500-foot proposal. As stated in the notice herein, an important consideration in this matter is the amount of "white" and "gray" area which a station using the proposed assignment would serve, together with the preclusion impact which making the proposed assignment would have on other uses of this and adjacent channels. It appears that, using the criteria which we have specified for such determinations, a station operating as proposed would provide a 1 mv/m or stronger signal to some 317 square miles not now receiving such service and 1,400 square miles receiving only one such service.³ According to petitioner, nearly all of the area within the proposed 1 mv/m contour (100 kw.-500 ft.) is AM nighttime "white area".

11. In further response to the notice, petitioner provided a revised preclusion study for the proposed and pertinent adjacent channels, by which it is shown that only on Channels 248 and 249A would there develop impact areas, of limited size, from the proposed assignment. It is submitted that no community warranting consideration would be involved on Channel 248, and that Wakefield and Crystal Falls, Mich., both without FM assignments, would be precluded from Channel 249A. However, it is demonstrated that other Class A channels are available to these communities. If deletion of Channel 248 from Duluth is also considered, the preclusion areas would include additional communities without FM assignments, as follows: Two Harbors (4,695) and Silver Bay (3,723), Minnesota; Bessemer, Mich. (3,304); and Hurley, Wis. (2,763). Our study indicates that Class A channels are also available to each of the latter communities. Thus, it appears that any preclusion areas caused by assignment of Channel 248 to Rhineland may be entirely compensated by availability of other channels

³ See further notice of proposed rule making, RM-1034, Docket 17095, FCC 67-655, 32 F.R. 8530 (1967), which states that "white area" determinations shall be based on the assumption that all channels (both those with existing stations and those unoccupied) are used by stations with maximum Class A facilities or Class C facilities of 75 kw. E.R.P. and 500 feet a.t. Petitioner's showing did not accord with this standard in that it used these values for unoccupied channels but assumed existing stations to operate with their present facilities. Also, during the pendency of this petition, a first Class A FM assignment was made to Minocqua, Wis. (report and order, Docket No. 18541, FCC 69-701), which is located within petitioner's proposed 1 mv/m signal area for Rhineland, and therefore affects to some extent the computation of service gains from that assignment. The figures in the text take this new assignment into account; without it the "gray" area figure would be somewhat larger.

of appropriate class to any affected community warranting consideration. This is not an area where channel availabilities are generally scarce. Preclusion, therefore, need not be a matter of further consideration in this case.

12. The notice proposal was opposed by The Oneida Broadcasting Co., the Rhinelander AM-FM licensee. The reply comments of Oneida contain an engineering showing representing that the area included within Heath's anticipated 1 mv/m signal contour is presently served by a minimum of two 50 μ V/m, or better, interference-free contours from authorized operations in the general area. A similar showing including all unoccupied table assignments in the area indicates that petitioner's proposed 1 mv/m contour would be served by at least three 50 μ V/m or better interference-free signals. To support its showing of available 50 μ V/m interference-free contours, Oneida points out that the areas of interest, to which petitioner claims its proposal would provide a first and second FM service, are rural in nature, and cites § 73.315(b) of the rules to show that in rural areas satisfactory FM reception can be obtained with an interference-free signal as low as 50 μ V/m.⁴ By its showing, the opposition concludes that there is already an abundance of service to the entire area that would be served by petitioner's proposed assignment.

13. The opposition's showing of 50 μ V/m FM service directly conflicts with the Commission's long-standing policy of not according decisional significance to 50 μ V/m signals. In licensing proceedings, the consideration of proposed and available services has in general been confined to 1 mv/m signals. See *Waynesboro Broadcasting Corp.*, 1 FCC 2d 431 (1965); *Nelson Broadcasting Company*, 5 FCC 2d 211, 8 R.R. 2d 890 (1966); *Hubbard Broadcasting Inc.*, 12 FCC 2d 765, 13 R.R. 2d 47 (1968); and *Harvit Broadcasting Corporation*, Docket No. 18456, FCC 69R-285, 18 FCC 2d 508 (1969). Also, see Order, FCC 67-920, 9 FCC 2d 542, amending Rule 73.311 to eliminate 50 μ V/m contours from the showings required in applications. In rule making proceedings a somewhat greater degree of attention has on occasion been given to signals of lesser value, but usually this has been where it was a question of changing the channel of an existing station and evaluating carefully the service it would render as compared to that presently provided. See *Danville and Gretna, Virginia*, 5 FCC 2d 333, 8 R.R. 2d 1595 (1966); *Kenton and Bellefontaine, Ohio*, 3 FCC 2d 598, 7 R.R. 2d 1600 (1966). Oneida has shown no reason in the present case for deviating from the present general policy of limiting consideration to 1 mv/m signals, at least

where a change in an existing station is not involved.⁵

14. Much of the lengthy submissions of Heath and Oneida herein is devoted to discussion of the need and potential support in Rhinelander and surrounding areas for a second Class C channel, with rather voluminous supporting data of various types. Heath claims that the city and area need a second FM station, to serve the underserved population mentioned above and break the aural monopoly which Oneida now has in the city and county. It is claimed that the sparsely settled area around Rhinelander needs a wide-coverage Class C station, and that Oneida, enjoying its position as the "only poker game in town" has shown no inclination to improve its fairly modest facilities (25 kw. E.R.P. and 300 feet a.s.t.) to provide service to more people. Heath claims that this area of northern Wisconsin is growing at present, both in population and economically, even though the 1950-60 population increase was extremely small, with a recent increase in the number of jobs, summer visitors, bank deposits, assessed valuation and airline traffic at Rhinelander, and the growing popularity of the area for winter sports. Letters asserting the desire of persons in the area for an additional FM station are attached.

15. Oneida, opposing the assignment, claims that the Rhinelander area (with three broadcast stations, a CATV system and six translators) now has its fair and equitable share of facilities and assignments, both as to the city itself and its area. It is asserted that established Commission policy does not contemplate the assignment of two channels to cities of this small size in the absence of circumstances not present here, and that Class C channels are to be assigned to larger places.⁶ Oneida claims that no "compelling need" is shown for the elaborate 24-hour, large-facility operation contemplated by Heath, that there is no showing of economic or population growth to indicate the viability of, or realistic justification for investment in, such an ambitious enterprise (which it is said would cost from \$71,000 to \$106,000 to build), and that the economics of the situation simply do not justify assigning a scarce and valuable Class C FM channel to such a small city. Oneida advances its own experience with FM since its FM station began operating in January 1966: AM-

FM net income over the 3-year period of only about \$3,000 (\$304,000 revenues, \$301,000 expenses), separate FM programming (6 to 11 p.m., or about 21 percent of its total broadcast time of 118 hours per week) producing only some \$5,925 revenue compared to \$10,915 expense in this period, thus indicating that separate FM operation is not economically viable in this market where FM circulation is not yet widely developed. The general FCC AM-FM economic data summary for 1966 is also cited, showing many independent FM stations operating at a loss,⁷ both nationwide and in individual cities. As to Heath's economic statistics, Oneida claims that this area is static in population and economically compared to the rest of the State and generally, the recent winter-sports development occurs only for a small part of the year, what economic development there is is largely seasonal, much of the various increases cited by Heath reflect only national developments such as inflation and increased airline traffic, and the economic growth in the area cited by Heath has largely occurred in the southern portion thereof (e.g., Marathon County (Wausau)), where there is more service (and which Heath would not serve anyhow if limited to 500 ft. a.s.t. antenna height). The necessity to compete with a substantial number of broadcast and other media in the general area is mentioned. Oneida attaches letters praising its service to various community and area groups, and also asserts that if and when it determines that there is a need for expanded FM service in the area, it will expend by using the WAEO-TV tower.

16. Heath in reply asserts that Oneida's statements concerning its own lack of FM success are meaningless without information as to its promotional efforts, cost allocation, etc., and in view of its limited separate programming (with nearly 80 percent simulcasting, including the important daytime hours, when FM is "given away"). It is also asserted that general FM financial data is meaningless, and Heath reasserts his intention and ability to build and operate a station as proposed. The parties make other contentions which need not be detailed here.

17. After careful consideration, we are of the view that the assignment should be made as requested. As noted above, used as proposed, the assignment will provide a first FM service to a fairly substantial "white area", and a second service, and thus a choice of services, to a larger "gray area", nearly all of it without nighttime AM service. WOBT-FM has not seen fit to expand to serve most of this area, nor does it now propose to do so. It will also provide a second aural voice to Rhinelander and its immediate area, where WOBT now has an aural monopoly. These benefits are clearly in

⁴ Section 73.315(b) states, in part, that "Inasmuch as service may be provided by signals of 1 mv/m or greater field strengths in metropolitan areas, and inasmuch as signals as low as 50 μ V/m may provide service in rural areas, considerable latitude in the geographic location of the transmitter is permitted * * *."

⁵ This is particularly true here, since the proposed service area considered in Oneida's showing was the 1 mv/m contour which the proposed station would have if it used the WAEO-TV tower, that out to a distance of 57 miles. If the 50 μ V/m contour were to be used in evaluating other signals it would also have to be used in evaluating the service from the proposed station, and, even with the more limited facilities finally proposed (100 kw. and 500 ft.), the 50 μ V/m contour would lie substantially further from the transmitter than this.

⁶ Citing the cases involving *Corbin, Ky.*, *Brazil, Ind.*, and *Mount Carmel, Ill.*, and, concerning Class C channel usage, *Danville, Va.* (6 R.R. 2d 1598, 7 R.R. 2d 1729, 8 R.R. 2d 1595 and 1613).

⁷ The FCC's AM-FM Financial Data—1967 shows 290 out of 405 independent FM stations reporting a loss for 1967, compared to 270 out of 381 for 1966. Total FM revenues were \$39.8 million in 1967 and \$32.3 million in 1966.

the public interest, especially since, as mentioned above, no significant preclusion of needed assignments in other places will result.

18. In reaching this decision, we recognize that Rhinelander is a small city, much smaller than most of those in the United States having two FM channels assigned, and that the surrounding area is sparsely settled and not necessarily either substantially growing in population or enjoying booming economic conditions. Nevertheless, in view of the above benefits the assignment is warranted. While Rhinelander is relatively small, it is of importance to a large area, particularly to the north and west where the nearest larger communities are 70 miles and more away (Ironwood, Mich., and Ashland, Wis., both only slightly larger than Rhinelander). Two other places in Wisconsin smaller in population (Shawano and Sturgeon Bay) have two channels assigned. Thus assignment of a second Class C channel to this city is warranted.*

19. With respect to Oneida's arguments concerning likely lack of economic support and the competitive situation in the Rhinelander area, our review of the operating experiences for the two existing Rhinelander aural outlets reveals that the stations attained a substantial cash flow "plus" position over the past 3 years. We do not believe the arguments and material advanced support a refusal to provide the opportunity for additional service and resulting benefits.

20. In view of the foregoing, it appears that the public interest will be served by the assignment of Channel 248 to Rhinelander, and its deletion at Duluth and replacement there with Channel 268. Because the decision in this case is based in part on petitioner's service gain showing, it is expected that any application filed for the new Rhinelander assignment will be for facilities at least equal to those proposed, an ERP of 100 kw. and an antenna height of 500 feet above average terrain.

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

22. In accordance with the determinations made above: *It is ordered*, That effective October 3, 1969, § 73.202 of the Commission's rules, the FM table of assignments, is amended to read, insofar as

*There is nothing in the cases cited by petitioner inconsistent with this action. A second channel was assigned to Brazil, Ind., and, later, to Corbin, Ky., and the denial at Mount Carmel, Ill., was based chiefly on the scarcity of channels in the area and resulting preclusion effect, absent here. It is true, as we said in the Danville, Va., decision, that Class C channels are designed usually for use in larger population centers; but likewise we have recognized the need for such assignments in areas removed from larger centers, in order to serve "white area", as in the present case.

the communities named are concerned, as follows:

City	Channel No.
California:	
Dinuba	255
Porterville	259
Minnesota:	
Duluth	235,
	255, 268, 273, 277, 286
Wisconsin:	
Rhinelander	248, 300

23. *It is further ordered*, That this proceeding is terminated.

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

Adopted: August 20, 1969.

Released: August 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10304; Filed, Aug. 27, 1969; 8:48 a.m.]

[Docket No. 18523; FCC 69-923]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments, Watertown, N.Y.

Report and order. In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Watertown, N.Y.); Docket No. 18523, RM-1370.

1. On April 16, 1969, the Commission adopted a notice of proposed rule making (FCC 69-392, released Apr. 18, 1969) in the above-entitled matter pursuant to a petition (RM-1370) filed by the St. Lawrence Valley Educational T.V. Council (Council). Interested parties were afforded an opportunity to comment on or before May 26, 1969, and to reply to such comments on or before June 9, 1969. Comments were filed by petitioner and the Education Department of the University of the State of New York (EDUNY). A reply comment was received from the Council.

2. Our notice, in response to the Council's petition, proposed to shift the reservation for noncommercial educational use from Channel *50 at Watertown to Channel 16 in the same community. Watertown, with a population of 33,306, is located in Jefferson County, with a population of 87,835 (1960 U.S. Census). For some time, Watertown has had two fallow television assignments, Channels 16 and *50. At the present time, Channel 16 is unapplied for and the only application pending (BPET-335) for Channel *50 is that of petitioner. The Council proposes to amend its application for Channel *50 to specify Channel 16 in the event that this rule making proceed-

ing results in the designation of Channel 16 as the reserved assignment at Watertown.

3. The Council is of the view that its operation on Channel 16 rather than Channel *50 is desirable because "operation on the lower UHF channel would mean lower transmission line losses, better propagation with fewer obstruction losses (with many locations not within line-of-sight even of a high-tower installation) and more efficient receiver and receiving antenna operation".

4. EDUNY, the only commentator, other than petitioner, states "its conviction that the establishment of educational television facilities to serve the people of the northeast region of New York State is eminently desirable. It expresses its full support for any action which might be taken by the Federal Communications Commission to help achieve this objective, including the adoption of the instant proposal to reallocate the educational reservation at Watertown, N.Y. * * *. Its one proviso is that * * * any action taken by the Commission, including that proposed herein, should be taken only on the basis of convincing assurances that the establishment and continued healthier operation of the proposed educational television facilities will, in fact, be realized". In response the petitioner repeats its serious intention to bring early educational and cultural telecasting to the Watertown area. As proof of both its intentions and ability to do so, it cites its pending application for Channel *50 (to be amended to specify Channel 16) and the contents thereof.

5. We note the views set out above, as well as the fact that if petitioner's proposal is adopted there will be no deprivation or shifts of television frequencies in the Watertown area, the intention of petitioner to amend its application for Channel *50 to specify Channel 16 in Watertown, the desirability of having noncommercial educational stations broadcasting on reserved channels and the possible psychological advantage of broadcasting on a low UHF channel. In view of these facts we have come to the conclusion that it is in the public interest to delete the reservation on Channel *50 at Watertown and to designate Channel 16 as that community's reserved assignment.

6. Authority for the action taken herein, is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered*, That effective October 3, 1969, the table of assignments in § 73.606(b) of the Commission's rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channels
Watertown, N.Y.	*16, 50

8. *It is further ordered*, That this proceeding is terminated.

* Commissioner Cox absent.

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

Adopted: August 20, 1969.

Released: August 22, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10305; Filed, Aug. 27, 1969;
8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Alamosa and Monte Vista National Wildlife Refuges, Colo.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and mergansers on the Alamosa National Wildlife Refuge, Colo., is permitted from October 1, through October 18, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., 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 and Federal regulations covering the hunting of ducks, coots, and mergansers, subject to the following special conditions:

(1) *Dogs.* Not to exceed two dogs per hunter may be used only for retrieving.

(2) *Boats.* The use of boats is prohibited.

(3) *Admittance.* Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

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 October 18, 1969.

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and mergansers on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 1, through October 18, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., 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 and Federal regulations covering the hunting of ducks, coots, and mergansers, subject to the following special conditions:

(1) *Dogs.* Not to exceed two dogs per hunter may be used only for retrieving.

(2) *Boats.* The use of boats is prohibited.

(3) *Admittance.* Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

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 October 18, 1969.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

AUGUST 21, 1969.

[F.R. Doc. 69-10287; Filed, Aug. 27, 1969;
8:46 a.m.]

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

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

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails and gallinules on the Brigantine National Wildlife Refuge, N.J., is permitted during established State and Federal seasons on the areas designated by signs as open to hunting.

These open areas are delineated on maps available at Refuge Headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of rails and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1970.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1969.

[F.R. Doc. 69-10271; Filed, Aug. 27, 1969;
8:46 a.m.]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

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

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

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) *Archery season*—December 8, through December 31, 1968, both dates inclusive.

(2) *Firearms season*—November 29, through December 7, 1969, both dates inclusive.

(3) All hunters must exhibit their hunting license, deer tag, and vehicle contents to Federal and State Officers upon request.

(4) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles and hunt on foot.

(5) All deer taken on the refuge not checked by State or Federal Officers in the field must be checked at refuge headquarters.

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

LYLE J. SCHOONOVER,
Refuge Manager, Sand Lake
National Wildlife Refuge.

AUGUST 15, 1969.

[F.R. Doc. 69-10277; Filed, Aug. 27, 1969;
8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in California

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in California.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and

¹ Commissioner Cox absent.

from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Ducks, geese, coots, and gallinules may be hunted on the following refuge areas:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) Boats with or without motors are permitted. Sculling and air-thrust boats are prohibited.

(2) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m), and regulations issued thereunder.

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Delavan National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Kern National Wildlife Refuge, Post Office Box 219, Delano, Calif. 93215.

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) A 100-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Merced National Wildlife Refuge, Post Office Box 854, Merced, Calif. 95340.

Modoc National Wildlife Refuge, Post Office Box 1439, Alturas, Calif. 96101.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Salton Sea National Wildlife Refuge, Post Office Box 247, Calipatria, Calif. 92233.

San Luis National Wildlife Refuge, Post Office Box 2176, Los Banos, Calif. 93635.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134.

Special conditions. (1) A 100-yard retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

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

Upland game may be hunted on the following refuge areas:

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Delavan National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Kern National Wildlife Refuge, Post Office Box 219, Delano, Calif. 93215.

Merced National Wildlife Refuge, Post Office Box 854, Merced, Calif. 95340.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Ring-necked pheasant may be hunted on the following refuge areas:

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special condition. Additional refuge area designated by special posting will be open to hunting the last 2 days of the State pheasant hunting season.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134.

Special condition. Additional refuge area designated by special posting will

be open to hunting the last 2 days of the State pheasant hunting season.

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

Big game animals may be hunted on the following refuge area:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) Antelope only may be hunted.

(2) Only six permittees shall be allowed on the Peninsula ("U") section of the refuge at any one time. This area will be open to the taking of antelope only on the following dates: August 23 and 24, August 30 and 31, and September 1, 1969. Entrance to this area will be granted at the gate entrance located on the Clear Lake Road, on a first come, first served basis. This check station will be open from 6 a.m. to 1 hour after sundown.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 18, 1969.

[F.R. Doc. 69-10275; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Idaho.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Grays Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, Idaho 83276.

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

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

Upland game birds may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special condition. Pheasant and sage grouse only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

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

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special condition. Antelope only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Special condition. Deer may be hunted on the Snake River Island sector only.

Grays Lake National Wildlife Refuge, Post Office 837, Soda Springs, Idaho 83276.

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Ore.

AUGUST 18, 1969.

[P.R. Doc. 69-10273; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Montana

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Montana.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Ore. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Benton Lake National Wildlife Refuge, Post Office Box 2624, Great Falls, Mont. 59401.

Bowdoin National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.

Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

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

Upland game birds may be hunted on the following areas:

Bowdoin National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.

Special condition. Only pheasants may be hunted.

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.

UL Bend National Wildlife Refuge, Post Office Box 110, Lewistown, Mont. 59457.

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

Big game animals may be hunted on the following refuge areas:

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Medicine Lakes National Wildlife Refuge, Medicine Lake, Mont. 59247.

Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.

Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

UL Bend National Wildlife Refuge, Post Office Box 110, Lewistown, Mont. 59457.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Ore.

AUGUST 19, 1969.

[P.R. Doc. 69-10272; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Oregon.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are

open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Ore. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Ore. 97630.

Ducks, geese, and coots may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Ore. 97338.

Special conditions. (1) Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon.

(2) A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 15, and October 31, 1969, by mail only.

Cold Springs National Wildlife Refuge, Hermiston, Ore. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Ore. 97882).

McKay Creek National Wildlife Refuge, Pendleton, Ore. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Ore. 97882).

Special condition. Hunting will be permitted on Wednesdays, Saturdays, and Sundays each week.

Upper Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 95134).

Special condition. Sculling and air-thrust boats are prohibited.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Ore. 97330.

Special conditions. (1) Hunting permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon.

(2) A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 15, and October 31, 1969, by mail only.

(3) Hunters must shoot from assigned blind sites only.

Ducks, geese, coots, and common snipe may be hunted on the following refuge areas:

Klamath Forest National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 95134).

Special condition. Sculling and air-thrust boats are prohibited.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Ore. 97720.

Special condition. Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Ore. 97352.

Special conditions. (1) No hunting permitted after September 30, 1969.

(2) All hunters must check in and out of refuge daily by use of self-service permits.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Ore. 97338.

Special conditions. (1) No hunting permitted after September 30, 1969.

(2) All hunters must check in and out of refuge daily by use of self-service permits.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Ore. 97330.

Special conditions. (1) No hunting permitted after September 30, 1969.

(2) All hunters must check in and out of the refuge daily by use of self-service permits.

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

Upland game birds may be hunted on the following refuges:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Ore. 97630.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Ore. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Ore. 97882).

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Ore. 97720.

Special condition. Hunting will be permitted during the period October 25, through November 2, 1969, on the upland game hunting area and during State seasons running concurrently with the waterfowl season on the waterfowl hunting area.

McKay Creek National Wildlife Refuge, Pendleton, Ore. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Ore. 97882).

Special condition. Hunting is permitted on Wednesdays, Saturdays, and Sundays each week.

Pheasant and quail may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Ore. 97352.

Special conditions. (1) No hunting permitted after the first Sunday in November.

(2) All hunters must check in and out of the refuge daily by use of self-service permits.

(3) Hunters on the area served by each registration station will be limited to 100 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Ore. 97338.

Special conditions. (1) No hunting permitted after the first Sunday in November.

(2) All hunters must check in and out of the refuge daily by use of self-service permits.

(3) Hunters on the area served by each registration station will be limited to 100 at any one time.

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

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Ore. 97630.

Deer may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Ore. 97338.

Special conditions. (1) All hunters must check in and out of the refuge daily by use of self-service permits.

(2) The use of rifles is prohibited.

(3) The season is not to extend beyond November 9, 1969.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Ore. 97720.

Special conditions. (1) The season is September 13, through September 15, 1969.

(2) Bow and arrow only may be used.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Ore. 97330.

Special conditions. (1) All hunters must check in and out of the refuge daily by use of self-service permits.

(2) The use of rifles is prohibited.

(3) The season is not to extend beyond November 9, 1969.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Ore.

AUGUST 19, 1969.
[F.R. Doc. 69-10276; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING
Certain National Wildlife Refuges in Washington

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Washington.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on

maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Ore. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds except doves and pigeons may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99383.

Special condition. Hunters are required to park vehicles in designated parking areas.

Special conditions (Ringold Division). (1) Hunting will be permitted on Wednesdays, Saturdays, and Sundays, and November 27, 1969, December 25, 1969, and January 1, 1970.

(2) Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.

(3) Hunters will be required to evacuate the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

Ridgefield National Wildlife Refuge, Post Office Box 467, Ridgefield, Wash. 98642.

Special conditions. (1) Hunting will be permitted on Wednesdays, Saturdays, and Sundays, and November 11, 1969, November 27, 1969, and January 1, 1970.

(2) A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail for advance reservations. Only one reservation may be held by a hunter at any one time.

(3) Hunters must shoot from assigned blinds drawn at the check-in station.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948).

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special condition. Hunting on Riek-kola Tract is permitted on Wednesdays, Saturdays, and Sundays, and November 27, 1969, and January 1, 1970.

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

Upland game birds may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

Special conditions. (1) Open to the hunting of rabbits in addition to game birds.

(2) Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323.

Special conditions. (1) Hunting will be restricted to pheasants only on McNary National Wildlife Refuge proper. The pheasant hunting area will be open during the first 21 days of the State season, and the waterfowl hunting area through the State season for taking pheasant.

(2) Hunters are required to park vehicles in designated parking areas.

Special conditions (Ringold Division). (1) Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 27, 1969, December 25, 1969, and January 1, 1970.

(2) Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.

(3) Hunters must leave the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

(4) Hunters are required to park vehicles in designated parking areas.

Ridgefield National Wildlife Refuge, Post Office Box 467, Ridgefield, Wash. 98624.

Special conditions. (1) Hunting for pheasant and rabbits only in conjunction with waterfowl hunting will be permitted. The restriction on shooting from blinds only will apply.

(2) Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 27, 1969, and January 1, 1970.

(3) A Federal permit is required to enter the public hunting area.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948.

Special condition. Rabbits may be hunted during the State season concurrent with the waterfowl season.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948).

Special condition. Cottontail rabbit and snowshoe hare may be hunted during the State season concurrent with the waterfowl season.

Special condition. Pheasant, California Valley quail, chukar, and Hungarian partridge may be hunted.

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624 (Leadbetter Point Addition).

Special condition. Pheasant only may be hunted.

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

Deer hunting is permitted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948).

Bear, deer, and elk may be hunted on the following refuge area:

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special conditions. (1) Archery hunting only is permitted.

(2) Hunters shall report at such check stations as may be established upon entering and leaving the area.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 18, 1969.

[F.R. Doc. 69-10274; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

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

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

The public hunting of ruffed and sharp-tailed grouse, snowshoe hare, gray and black squirrels, coyote, fox, porcupine, raccoon, skunk, and crow on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 85,200 acres, is delineated on maps available at refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of these species subject to the following special conditions:

(1) That portion of the refuge designated as Area A is closed to all hunting until November 15.

(2) Foxes and raccoons may not be taken at night.

(3) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

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 February 28, 1970.

MARTIN S. PHILLIPS,
Acting Refuge Manager, Seney National Wildlife Refuge.

AUGUST 21, 1969.

[F.R. Doc. 69-10270; Filed, Aug. 27, 1969; 8:46 a.m.]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

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

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

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 8 through December 14, both dates inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles and hunt on foot.

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 14, 1969.

LYLE J. SCHOONOVER,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 15, 1969.

[F.R. Doc. 69-10278; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

Hatchie National Wildlife Refuge, Tenn.; Correction

In F.R. Doc. 69-9271 (§ 32.22), appearing on page 12831 of the issue for Thursday, August 7, 1969, the following subparagraphs are added under special conditions:

Squirrels:

(4) The open season is August 30, through September 30, 1969.

Raccoons:

(3) The open season is October 15, through October 31, 1969.

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

AUGUST 20, 1969.

[F.R. Doc. 69-10279; Filed, Aug. 27, 1969; 8:47 a.m.]

PART 32—HUNTING

**Kodiak National Wildlife Refuge,
Alaska**

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of big game on lands within the Kodiak National Wildlife Refuge is permitted in accordance with all applicable State regulations governing big game hunting.

Special conditions. (1) Species permitted to be taken: Brown bear during November 1, through December 31, 1969 and March 1, through May 10, 1970.

(2) Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to lakes, streams, and other bodies of water.

(3) A Federal permit is required to hunt brown bears. Permits will be non-transferable and issued by hunting area units on a priority application basis from public announcement dates. Permits may be obtained by applying to Refuge Manager, Kodiak National Wildlife Refuge, Post Office Box 825, Kodiak, Alaska 99615.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 22, 1969.

[F.R. Doc. 69-10266; Filed, Aug. 27, 1969; 8:46 a.m.]

PART 32—HUNTING

**Kirwin 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

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin 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 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the office of 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 governing the archery hunting of deer.

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.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

AUGUST 20, 1969.

[F.R. Doc. 69-10268; Filed, Aug. 27, 1969; 8:46 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

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.**

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. The open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Bow and arrow hunting is permitted only on 33,525 acres of the refuge designated as Area B, from October 1 through November 14; and on the 85,200 acres of the refuge designated as Area A and Area B open to gun hunting, from December 1 through December 31.

(2) Bear may be taken by archers only from October 1 through November 14 and by gun hunters only from November 15 through November 30. Bear may not be taken with aid of dogs.

(3) Camping is permitted only west of the Driggs River during the gun season. A Camp Registration Permit, obtainable at refuge headquarters, is required.

(4) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

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

MARTIN S. PHILLIPS,
Acting Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

AUGUST 21, 1969.

[F.R. Doc. 69-10269; Filed, Aug. 27, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

BOILED WOOL

Invoice Requirement

The Bureau has ruled that boiled wool fibers recovered from sheepskin scrap by means of a sulfuric acid boil are classifiable under item 307.18 or item 307.30 of the Tariff Schedules of the United States, depending on length or source. To assure that the provisions of item 307.18 or 307.30 will be properly applied to wool recovered from sheepskin scrap by this method, it is proposed that wool invoiced as boiled wool will be excluded from classification under these item numbers unless the wool is covered by an appropriate certification issued by an officer of the government of the country of exportation.

Therefore, notice is hereby given that under the authority of section 481(a) (10) of the Tariff Act of 1930 (19 U.S.C. 1481(a)(10)), it is proposed to amend § 8.13(h) of the Customs Regulations to require additional information on or with invoices of this type of boiled wool. The proposed amendment is set forth in tentative form below.

The list of merchandise in § 8.13(h) is amended to add in proper alphabetic order the following:

Wool, Boiled classifiable under item 307.30 or 307.18, Tariff Schedules of the United States. (T.D. 69-196.)

A certification in the following form signed by a government official of the country of exportation having actual knowledge of the pertinent facts:

I hereby certify that the wool in the shipment described below consists of wool fibers recovered by means of a sulfuric acid boil from (raw) (tanned) (raw and tanned) sheepskin scrap.

Date _____ Signature _____
Title or position _____
No. of bales _____
Marks and Nos. _____
Other identification _____

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 66, 1481, 1624)

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

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: August 21, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 69-10294; Filed, Aug. 27, 1969;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 270]

[Rel. Nos. IC-5780, 33-4995, 34-8671]

FORM AND CONTENT OF FINANCIAL STATEMENTS OF REGISTERED MAN- AGEMENT INVESTMENT COM- PANIES

Provisions for Federal Income Taxes

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of paragraph 9 of Rule 6-02 of Article 6 of Regulation S-X (17 CFR 210.02(i)), and a related amendment of Rule 2a-4 under the Investment Company Act of 1940 ("Act") (17 CFR 270.22-4).

Article 6 of Regulation S-X governs the form and content of financial statements filed by management investment companies (other than those which are issuers of periodic payment plan certificates) under the Act, the Securities Act of 1933 and the Securities Exchange Act of 1934. Paragraph 9 of Rule 6-02 of Article 6 requires that appropriate provision shall be made in the financial statements of such companies for Federal income taxes.

Rule 2a-4 under the Act defines the term "current net asset value" of redeemable securities issued by registered investment companies used in computing periodically the current price of such securities for the purpose of distribution, redemption, and repurchase. Subparagraph (a) (4) of Rule 2a-4 provides that in computing such current net asset value expenses shall be included to the date of calculation.

The proposed amendment of paragraph 9 of Rule 6-02 of Regulation S-X would specifically provide that a company which retains capital gains and designates such gains as a distribution to shareholders in accordance with section 852(b) (3) (D) of the Internal Revenue Code ("Code") shall, on the last day of its taxable year (and not earlier), make provision for taxes on such undistributed capital gains realized during such year. The amendment would also revise the reference in paragraph 9 of Rule 6-02 to the section of the Code defining a company's status as a "regulated investment company" to its present designation of Subtitle A, Chapter 1, Subchapter M. The proposed amendment of Rule 2a-4 under the Act would add a sentence to subparagraph (a) (4) to require that appropriate provision shall be made for Federal income taxes in accordance with paragraph 9 of Rule 6-02 of Regulation S-X.

The primary purpose of the proposed amendment is to assure that regulated investment companies excepted by provisions of the Code from the payment

of Federal income taxes on net income and realized capital gains distributed to shareholders will make appropriate provision for taxes on any realized undistributed capital gains designated as distributions to shareholders under provisions of the Code. Most regulated investment companies follow the practice of distributing realized capital gains to shareholders, thereby relieving such companies of the payment of Federal income taxes on such gains. However, under the provisions of section 852(b) (3) (D) of the Code, a regulated investment company which elects to do so may retain realized long-term capital gains and, in effect, pay the tax on those gains on behalf of the shareholders. Every such shareholder at the close of the company's taxable year may include in his tax return his pro rata portion of the company's realized capital gains as if it had been distributed to him, accrue his capital gains tax thereon, and elsewhere in his tax return is allowed credit or refund for his pro rata share of the capital gains tax which has been paid for his benefit by the company but which is deemed to have been paid by him. At the same time, such shareholder may increase the tax basis of his shares by 75 percent of his pro rata portion of the realized gains.

The question of the appropriate method of tax accrual or adjustment of net asset value by investment companies which retain realized capital gains under section 852(b) (3) (D) of the Code was considered by the National Association of Investment Companies (the predecessor to the present Investment Company Institute) and the Committee on Relations with the SEC of the American Institute of Accountants in 1956 following the enactment of the provision of the Code in its present form. On November 2, 1956, the Association sent a memorandum to its members stating in part that the question had been considered by the Committee which was of the opinion that, since for a company intending to proceed under section 852(b) (3) (D) the tax on realized undistributed capital gains would be on the shareholder and not the company, no allowance need be made, either for possible Federal income tax on unrealized appreciation or for Federal income tax on capital gains realized during the year. The memorandum stated that at the end of a company's taxable year the Federal income tax to be paid on realized but undistributed capital gains would be carried in an accrual account until paid.

The above procedure is followed as the generally accepted accounting practice by regulated investment companies which elect to retain realized capital gains and pay the tax on behalf of shareholders. Most of such companies are capital exchange funds which issued their shares for securities in tax-free

exchanges and which are not making public offerings of shares. Of a total of 34 active exchange funds, 30 elected for their fiscal years ended in 1968 to retain realized capital gains, in whole or in part, and pay the tax on behalf of the shareholders. All except four of these exchange funds followed the practice of making provision for such taxes commencing on the last day of the taxable year. The four funds which did not follow the general practice, made provision for taxes on realized undistributed capital gains throughout the year as the gains were realized.

The proposed amendments to the rules would codify the generally accepted practice of making provision, commencing on the last day of the taxable year of the investment company, for taxes on realized undistributed capital gains designated as distributions to shareholders. The amended rules would not affect the rights of any person who may have redeemed shares prior to the adoption of the amendments.

Under the provisions of the Code, the taxes on realized capital gains retained by the company are payable by the company only on behalf of those persons who are shareholders on the last day of the taxable year in which the gains were realized. It is only those persons who are shareholders on the last day of the taxable year who are deemed under the provisions of the Code to have paid the tax imposed on the designated capital gains retained by the company and who, accordingly, are allowed credit or refund for the tax so deemed to have been paid by them and are entitled to increase the tax basis of their shares by 75 percent of their pro rata portion of the realized gains. Accrual of the tax by the company at any time prior to the last day of its taxable year therefore reduces the net asset value of the shares of holders who redeem during the year and who consequently receive no credit for the tax so accrued.

The proposed amendment of paragraph 9 of Rule 6-02 of Article 6 of Regulation S-X would be adopted pursuant to sections 8, 30, 31(c), and 38(a) of the Investment Company Act of 1940; sections 7 and 19(a) of the Securities Act of 1933; and sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934. The proposed amendment of Rule 2a-4 under the Investment Company Act of 1940 would be adopted pursuant to sections 22 and 38(a) of that Act.

The rules as they are proposed to be amended are set forth below.

I. Paragraph (1) of § 210.6-02 of Chapter II of Title 17 of the Code of Federal Regulations would be amended to read as follows:

§ 210.6-02 Special rules applicable to management investment companies.

(1) *Federal income taxes.* Appropriate provision shall be made, on the basis of the applicable tax laws, for Federal income taxes that it is reasonably believed are, or will become, payable in respect

of (1) current net income, (2) realized gain on investments, and (3) unrealized appreciation on investments. The company's status as a "regulated investment company" as defined in Subtitle A, Chapter 1, Subchapter M of the Internal Revenue Code as amended (the Code), shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the company has relied in making or not making provisions for such taxes. However, a company which retains realized capital gains and designates such gains as a distribution to shareholders in accordance with section 852(b)(3)(D) of the Code shall, on the last day of its taxable year (and not earlier), make provision for taxes on such undistributed capital gains realized during such year.

II. The introductory text and subparagraph (4) of § 270.2a-4(a) of Chapter II of Title 17 of the Code of Federal Regulations would be amended to read as follows:

§ 270.2a-4 Definition of "Current Net Asset Value" for use in computing periodically the current price of redeemable security.

(a) The current net asset value of any redeemable security issued by a regulated investment company used in computing periodically the current price for the purpose of distribution, redemption, and repurchase means an amount which reflects calculations, whether or not recorded on the books of account, made substantially in accordance with the following, with reestimates used where necessary or appropriate:

(4) Expenses, including any investment advisory fees, shall be included to date of calculation. Appropriate provision shall be made for Federal income taxes in accordance with paragraph (1) of § 210.6-02 of this chapter.

(Secs. 7, 19(a), 48 Stat. 78, 85, 908, 15 U.S.C. 77g, 77s(a); secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 3, 8, 49 Stat. 1377, 1379, secs. 3, 4, 78 Stat. 569, 570, secs. 1, 2, 82 Stat. 454, 15 U.S.C. 78f, 78m, 78o(d), 78w(a); secs. 8, 22, 30, 31(c), 38(a), 54 Stat. 803, 823, 836, 838, 841, 15 U.S.C. 80a-8, 80a-22, 80a-29, 80a-30(c), 80a-37(a))

All interested persons are invited to submit views and comments on the proposed amendments to the rules. They should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before September 22, 1969. All such communications should refer to Investment Company Act Release No. 5780, and they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 20, 1969.

[F.R. Doc. 69-10257; Filed, Aug. 27, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 958.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1969, and ending June 30, 1970, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to \$73,750.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be \$0.023 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1970, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

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

Dated: August 25, 1969.

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

[F.R. Doc. 69-10302; Filed, Aug. 27, 1969; 8:48 a.m.]

Packers and Stockyards Administration

[9 CFR Part 203]

REGULATIONS AND PRACTICES OF STOCKYARD OWNERS AND MAR- KET AGENCIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228(a)), the Packers and Stockyards Administration proposes to amend § 203.8 of Part 203, Title 9, Code of Federal Regulations, containing a policy statement with respect to regulations and practices of stockyard owners and market agencies.

Statement of considerations. The Packers and Stockyards Act was amended on July 31, 1968, by Public Law 90-446, which among other things, clarified a stockyard owner's right and responsibility under the Act to prescribe rules and regulations and to manage and regulate his stockyard. The legislative history of the amendment recognizes the continuing changes occurring in the livestock industry. It recognizes the vital role which market agencies play on the public market. The Act was amended to make it clear that stockyard owners have the authority and responsibility to make such changes, subject to review by the Secretary, as are necessary to remain viable and effective.

Market agencies and stockyard owners have responsibility for providing reasonable services and adequate facilities to meet the demands of the livestock sellers and buyers. They have the right and duty to make appropriate changes to meet changed marketing conditions. The amendatory legislation was enacted to strengthen the public livestock marketing system.

The Act of July 31, 1968 (Public Law 90-446), is intended, among other things, to clarify (1) the stockyard owner's authority to determine, on a basis which is not unreasonable or unjustly discriminatory, whether the services of a person who has requested authority to establish a business as a market agency or dealer at his stockyard will be beneficial to the business and welfare of the stockyard, its patrons, and customers; and (2) the stockyard owner's responsibility and right to manage and regulate his stockyard in a just, reasonable, and nondiscriminatory manner, to prescribe rules and regulations for that purpose, and to require persons engaging in or attempting to engage in the purchase, sale, or solicitation of livestock at the stockyard to conduct their operations in a manner which will foster, preserve, or insure an efficient, competitive public market.

In the light of the amendments of the Act referred to above, the following modifications of § 203.8 of Part 203, Title 9, Code of Federal Regulations, are being considered:

1. Paragraph (a) would be amended to read as follows:

(a) Stockyard services furnished by stockyard owners and market agencies pursuant to a reasonable request must be reasonable and nondiscriminatory. Stockyard owners and market agencies have the statutory right and duty to establish, observe, and enforce regulations and practices, which are not unreasonable or unjustly discriminatory, with respect to the furnishing of stockyard services.

2. Paragraph (g) would be amended by adding at the end thereof the following: "Although there is no legal requirement that stockyard owners consult with appropriate market representatives before deciding on rules or regulations affecting them, the Packers and Stockyards Administration encourages such consultation. (See Hearings before the Subcommittee on Livestock and Grains of the Committee on Agriculture, House of Representatives, 90th Cong., first session, on H.R. 6231, p. 23; and S. Rept. No. 1331, 90th Cong., second session, p. 2.) Similarly, the market agencies and dealers should consult with stockyard owners on proposed rules or regulations affecting them or market services. In the event of a complaint, consideration will be given as to whether or not the views of the respective parties were fairly considered by the stockyard owners, market agencies, or dealers. The Packers and Stockyards Administration, wherever possible, will give recognition to the mutual agreements between market agencies or dealers and stockyard owners, provided that such agreements are consistent with the provisions of the Act."

3. Paragraphs (h), (i), and (j) would be deleted and the following new paragraphs added to the section:

(h) Stockyards no longer have a monopolistic position in the field of livestock marketing. Subject to review by the Secretary, a stockyard owner can deny a person the right to establish a business as a market agency or dealer at the stockyard for good cause. Registration with the Secretary as a market agency or dealer does not automatically require that the stockyard owner shall provide the registrant with facilities to do business on a market. To alleviate future misunderstandings about the privilege of establishing a business at a stockyard, a stockyard owner should publish rules to inform individuals and firms of the requirements for establishing a business at the stockyard.

(i) (1) The Act of July 31, 1968 (Public Law 90-446), added the following paragraph to section 307 of the Packers and Stockyards Act:

It shall be the responsibility and right of every stockyard owner to manage and regulate his stockyard in a just, reasonable, and nondiscriminatory manner, to prescribe rules and regulations and to require those persons engaging in or attempting to engage in the purchase, sale, or solicitation of livestock at such stockyard to conduct their operations in a manner which will foster, preserve, or insure an efficient, competitive public market. Such rules and regulations shall not

prevent a registered market agency or dealer from rendering service on other markets or in occasional and incidental off-market transactions.

Under this legislation, a stockyard owner cannot prohibit a market agency or dealer engaged in business at a stockyard from rendering service at another public stockyard. With respect to business by such a market agency or a dealer in an off-market transaction, i.e., a "country" transaction not at a public stockyard, a complete prohibition would be unlawful. The Act specifically states that a stockyard owner's rules and regulations shall not prevent a market agency or dealer from engaging in "occasional and incidental" off-market transactions. The term "occasional," as defined in dictionaries and as construed in numerous court decisions, means occurring now and then; occurring at irregular intervals; infrequent; according to no fixed or certain scheme. The term "incidental" means not of prime concern; subordinate; only an adjunct to something else; related, collateral or pertinent to; dependent on and following the existence of another and principal thing. It is not possible to establish an exact percentage or frequency test to determine whether a market agency or dealer is engaging in more than "occasional and incidental" off-market transactions. Each case would have to be considered on its own merits applying the commonly accepted meanings stated above.

(2) To limit off-market transactions which are more than "occasional and incidental," the stockyard owner would have to show that such limitation is necessary to foster, preserve, or insure an efficient, competitive public market. In reviewing such a matter on a case by case basis, the Packers and Stockyards Administration would consider all of the relevant facts and circumstances, such as the number of firms operating at the stockyard; the volume of market and off-market transactions being engaged in by such firms; whether the firms engaging in off-market transactions were deliberately trying to circumvent and weaken the public market; the extent to which such off-market transactions were injuring the market; the marketing alternatives available in the area; the competing elements of the livestock industry in the area; the quantity, type, and nature of the livestock business conducted in the area; and any other economic or statistical evidence relating to the matter. No one factor would be decisive. All relevant circumstances would be considered in order to determine whether the limitation was necessary to foster, preserve, or insure an efficient, competitive public market.

(j) The Packers and Stockyards Administration has the responsibility of giving consideration to the issuance of a complaint whenever it has reason to believe that any stockyard owner or market agency has violated the Act. In the formal administrative proceeding initiated by any such complaint, it is the responsibility of the Judicial Officer of the Department to determine, after full

hearing, whether the stockyard owner or market agency has violated the Act.

(k) The Packers and Stockyards Administration does not favor or endorse any one system of livestock marketing over any other system of marketing. The views set forth in this statement regarding converting from one system to another are solely for the purpose of setting forth our interpretation of the applicable legal provisions inasmuch as questions have arisen with respect to these matters. This statement is for the purpose of setting forth the views of the Packers and Stockyards Administration to guide those persons engaged in business as market agencies or as stockyard owners in establishing, observing, and enforcing regulations and practices in the control and conduct of their business.

This notice is for the purpose of obtaining the views of persons interested in the livestock industry with respect to whether the foregoing proposals should be adopted or changed in any respect. Any person who wishes to submit written data, views, or arguments concerning the proposals may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in said office during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of August 1969.

DONALD A. CAMPBELL,
Administrator, Packers and
Stockyards Administration.

[F.R. Doc. 69-10303; Filed, Aug. 27, 1969;
8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69-EA-93]

AIRWORTHINESS DIRECTIVE

Pratt and Whitney Aircraft Engines

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt and Whitney Aircraft Engines type R-985 and Wasp Jr. altered in accordance with STC Nos. 391 or 398.

There has been a report of a loss of power as the result of failure of the drive pin and plugging of the fuel injector filter in the Simmonds Precision Part No. 580047 fuel injector. Either deficiency poses a safety problem.

Since this condition is likely to exist or develop in other engines of the same type design, comparably altered, the proposed

airworthiness directive would require periodic inspection cleaning and replacement of parts where necessary.

Interested parties are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

Applies to all Pratt & Whitney Aircraft R-985 and Wasp Jr. type engines altered in accordance with Supplemental Type Certificates Nos. 391 or 398 incorporating Simmonds Precision Part No. 580047, fuel injector. Compliance required as indicated.

To prevent engine power loss as the result of failure of the gerotor pump drive pin or the plugging of the fuel injector filter, accomplish the following:

(a) For P/N 580047 Revision K or later fuel injectors within the next 100 hours' time in service after the effective date of this A.D. and thereafter at intervals of 100 hours' time in service, inspect and clean the fuel injector filter P/N 590436 and at every 500 hours' time in service replace filter with a new P/N 590436.

(b) For P/N 580047 Revision J or earlier fuel injectors within the next 50 hours' time in service after the effective date of this A.D. and thereafter at intervals of 50 hours' time in service inspect and clean the fuel injector filter P/N 590436 and at every 500 hours' time in service replace the fuel injector filter with a new P/N 590436.

(c) (1) For P/N 580047 Revision J or earlier fuel injectors with more than 800 hours' time in service since new or last overhaul of the injector, within the next 50 hours' time in service after the effective date of this A.D. replace the drive pin P/N 580387 with P/N 581987.

(c) (2) For P/N 580047 Revision J or earlier fuel injectors with 800 or less hours' time in service since new or last overhaul of the injector, prior to the accumulation of 850 hours' time in service replace the drive pin P/N 580387 with P/N 581987.

(d) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region may adjust the repetitive inspection intervals specified in this A.D.

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

Issued in Jamaica, N.Y. on August 13, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10285; Filed, Aug. 27, 1969;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-83]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rocky Mount, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Regional Headquarters, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. 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. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Regional Headquarters, Room 724, 3400 Whipple Street, East Point, Ga.

The Rocky Mount transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Municipal Airport (lat. 35°58'01" N., long. 77°47'33" W.); within 4.5 miles each side of the Rocky Mount VORTAC 083° radial, extending from the 7-mile radius area to 8.5 miles east of the VORTAC; within an 8.5-mile radius of Rocky Mount-Wilson Airport.

The proposed alteration is necessary to establish a basic radius circle at Rocky Mount-Wilson Airport to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. The proposed increase in width and length of the extension predicated on the Rocky Mount VORTAC 083° radial is required by the application of Terminal Instrument Approach Procedures (TERPs) criteria.

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

Issued in East Point, Ga., on August 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-10283; Filed, Aug. 27, 1969;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-89]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area over Blue Ridge Airport, Martinsville, Va.

A new NDB (ADF)-1 instrument approach procedure has been authorized for Blue Ridge Airport, Martinsville, Va., predicated on the Blue Ridge non-Federal radio beacon, and will require designation of a 700-foot transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Martinsville, Va., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot transition area described as follows:

MARTINSVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (36°37'50" N., 80°01'00" W.), of Blue Ridge Airport, Martinsville, Va.; within 2 miles each side of the Runway 30 centerline, extended from the 6.5-mile radius area to 14 miles northwest of the end of the runway; within 2 miles each side of the Runway 12 centerline, extended from the 6.5-mile radius area to 7.5 miles southeast of the end of the runway and within 3.5 miles each side of the 176° bearing from the Blue Ridge RBN (36°37'45" N., 80°01'00" W.), extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348),

and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on August 13, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-10284; Filed, Aug. 27, 1969;
8:47 a.m.]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. FRA-SA-1]

RAILROAD SAFETY APPLIANCE
STANDARDSSupplemental Notice of Proposed Rule
Making

On June 18, 1969, the Federal Railroad Administration issued a notice of proposed rule making (Docket No. FRA-SA-1; 34 F.R. 9756, published June 24, 1969) that it has under consideration proposed amendments to §§ 231.10 and 231.11 of its railroad safety appliance standards to eliminate the present requirements for running boards, roof handholds, and end ladders on caboose cars with or without end platforms and to make a number of incidental changes in associated safety appliances.

The purpose of this notice is to supplement the original notice of proposed rule making by publishing the complete text of §§ 231.10 and 231.11 with the proposed amendments incorporated therein.

As proposed, these sections would be amended to read as follows.

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

CARL V. LYON,
Acting Administrator.

§ 231.10 Caboose cars with platforms.

(a) Hand brakes:

(1) *Number.* (i) Each caboose car shall be equipped with an efficient hand brake which shall operate in harmony with the power brake thereon.

(ii) The hand brake may be of any efficient design, but must provide the same degree of safety as the design shown on plate A.

(2) *Dimensions.* Same as specified for "Box and other house cars" (see § 231.1 (a) (2)).

(3) *Location.* (i) Each hand brake shall be so located that it can be safely operated while car is in motion.

(ii) The brake shaft on caboose cars with platforms shall be located on platform to the left of center.

(4) *Manner of application.* Same as specified for "Box and other house cars" (see § 231.1 (a) (4)).

(b) Side handholds:

(1) *Number.* Four (4).

(2) *Dimensions.* Minimum diameter, five-eighths of an inch, wrought iron or steel or other material of equivalent strength. Minimum clear length, 36 inches. Minimum clearance 2, preferably 2½, inches.

(3) *Location.* (i) One near end on each side of car, curving downward toward

center of car from a point not less than 30 inches above platform to a point not more than 8 inches from bottom of car. Top end of handhold shall be not more than 8 inches from outside face of end sheathing.

(4) *Manner of application.* Same as specified for "Box and other house cars" (see § 231.1 (h) (4)).

(c) End handholds:

(1) *Number.* Four (4).

(2) *Dimensions.* Same as specified for "Box and other House Cars" (see § 231.1 (i) (2)).

(3) *Location.* (i) Horizontal, one near each side on each end of car on face of platform end sill. Clearance of outer end of handhold shall be not more than 16 inches from end of platform end sill.

(4) *Manner of application.* Same as specified for "Box and other House Cars" (see § 231.1 (i) (4)).

(d) End-platform handholds:

(1) *Number.* Four (4).

(2) *Dimensions.* Minimum diameter, five-eighths of an inch, wrought iron or steel or other material of equivalent strength. Minimum clearance 2, preferably 2½ inches.

(3) *Location.* (i) One right-angle handhold on each side of each end extending horizontally from door post to corner of car at approximate height of platform rail, then downward to within 12 inches of bottom of car.

(4) *Manner of application.* Handholds shall be securely fastened with bolts, screws, or rivets.

(e) Caboose platform steps: Safe and suitable box steps leading to caboose platforms shall be provided at each corner of caboose. Lower tread of step shall be not more than 24 inches above top of rail.

(f) Uncoupling levers: Same as specified for "Box and other House Cars" (see § 231.1 (k)).

(g) All caboose cars with platforms built and placed in service after October 1, 1969, except those under construction on that date, must comply with this amendment. Caboose cars built and placed in service before October 1, 1969, or under construction on that date must comply with this amendment by October 1, 1974.

§ 231.11 Caboose cars without platforms.

(a) Hand brakes:

(1) *Number.* Same as specified for "Box and other House Cars" (see § 231.1 (a) (1)).

(2) *Dimensions.* Same as specified for "Box and other House Cars" (see § 231.1 (a) (2)).

(3) *Location.* (i) Each hand brake shall be so located that it can be safely operated from end platform while car is in motion.

(ii) The brake shaft on caboose cars without platforms shall be located on end of car to the left of center.

(4) *Manner of application.* Same as specified for "Box and other House Cars" (see § 231.1 (a) (4)).

(b) Brake step: Same as specified for "Box and other house cars" (see § 231.1 (b)).

(c) Side-door steps:

(1) *Number.* Two (2). (If caboose has side doors.)

(2) *Dimensions.* Minimum length, 5 feet. Minimum width, 6 inches. Minimum thickness of tread, 1½ inches. Minimum height of back stop, 3 inches. Maximum height from top of rail to top of tread, 24 inches.

(3) *Location.* One (1) under each side door.

(4) *Manner of application.* Side-door steps shall be supported by two iron brackets having a minimum cross-sectional area ¾ by 3 inches or equivalent, each of which shall be securely fastened to car by not less than two ¾-inch bolts.

(d) Side-door handholds (if caboose has side doors):

(1) *Number.* Four (4): Two (2) curved, two (2) straight.

(2) *Dimensions.* Minimum diameter, five-eighths of an inch, wrought iron or steel or other material of equivalent strength. Minimum clearance 2, preferably 2½, inches.

(3) *Location.* (i) One curved handhold, from a point at right side of each door, not less than 36 inches above bottom of car, curving away from door downward to a point not more than 6 inches above bottom of car.

(ii) One vertical handhold at left side of each door from a point not less than 36 inches above bottom of car to a point not more than 6 inches above level of bottom of door.

(4) *Manner of application.* Side door handholds shall be securely fastened with not less than ½-inch bolts with nuts outside (when possible) and riveted over or with ½-inch rivets.

(e) End platforms (cross over steps):

(1) *Number.* Two (2)

(2) *Dimensions.* Width not less than eight (8) inches; length, not less than sixty (60) inches.

(3) *Location.* One (1) centered on each end of car not more than eight (8) inches above top of center sill.

(4) *Manner of application.* (i) Each end platform shall be securely supported by not less than three (3) metal braces having a minimum cross sectional area of three-eighths (¾) by one and one-half (1½) inches or equivalent, which shall be securely fastened to body of car with not less than one-half (½) inch bolts or rivets.

(ii) Where conventional draft gear or cushioning device having longitudinal travel less than six (6) inches is used the outside edge of each end platform shall be not less than twelve (12) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against buffer block. Where cushioning device having longitudinal travel six (6) inches or more is used the outside edge of each end platform shall be not less than six (6) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with end sill and cushioning device at full buff. End-plat-

form shall be made of wood or of material which provides the same as or a greater degree of safety than wood of 1½ inches thickness. When made of material other than wood the tread surface shall be of antiskid design and constructed with sufficient open space to permit the elimination of snow and ice from the tread surface.

(f) Sill steps:

(1) *Number.* Four (4).

(2) *Dimensions.* Minimum cross-sectional area one-half (½) by one and one-half (1½) inches, or equivalent, of wrought iron, steel, or other material of equivalent strength. Minimum length of tread, ten (10), preferably twelve (12) inches. Minimum clear depth, eight (8) inches.

(3) *Location.* (i) One (1) near each end of each side of car, so that there shall be no more than eighteen (18) inches from end of car to center of tread of sill step.

(ii) Outside edge of tread of step shall be not more than four (4) inches inside of face of side of car, preferably flush with side of car.

(iii) Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22) inches above the top of rail.

(4) *Manner of application.* (i) Sill steps exceeding twenty-one (21) inches in depth shall have an additional tread.

(ii) Sill steps shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets.

(g) End ladder (appliances clearance: No part of car above end sills within thirty (30) inches from side of car, except buffer block, brake-shaft, brake wheel, end platform, horizontal end handholds, or uncoupling lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle, when closed with the coupler horn against the buffer block or end sill and cushioning device (if used) at full buff, and no other part of end of car or fixtures on same above end sill; other than exceptions herein noted, shall extend beyond outer face of buffer block.

(h) Side handholds:

(1) *Number.* Sixteen (16).

(2) *Dimensions.* Minimum diameter, five-eighths (⅝) of an inch, wrought iron, steel, or other material of equivalent strength. Minimum clear length, sixteen (16) inches, preferably twenty-four (24) inches. Minimum clearance, two (2), preferably two and one-half (2½) inches.

(3) *Location.* Horizontal; Four (4) near each end and on each side of car spaced not more than nineteen (19) inches apart and with the bottom handhold located not more than twenty-one (21) inches from top tread of sill step, and top handhold shall coincide in height with top end-handhold, a variation of two (2) inches being allowed. Spacing of side handholds shall be uniform

within a limit of two (2) inches from top handhold to bottom handhold. Clearance of outer ends of handholds shall not be more than eight (8) inches from end of car.

(4) *Manner of application.* Side-handholds shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets. Each bottom handhold shall have foot guard or upward projection not less than two (2) inches in height near inside end.

(i) End handholds:

(1) *Number.* Sixteen (16).

(2) *Dimensions.* (i) Minimum diameter, five-eighths (⅝) of an inch, wrought iron, steel, or other material of equivalent strength.

(ii) Minimum clear length, sixteen (16) inches, preferably twenty-four (24) inches.

(iii) Minimum clearance, two (2), preferably two and one-half (2½) inches.

(3) *Location.* Horizontal; Four (4) near each side and on each end of car spaced not more than nineteen (19) inches apart and with the bottom handhold located not more than twenty-one (21) inches from top tread of sill step, and top handhold shall coincide in height with end platform handholds, a variation of two (2) inches being allowed. Clearance of outer ends of handholds shall be not more than eight (8) inches from side of car.

(4) *Manner of application.* End-handholds shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets. Each bottom handhold shall have foot guard or upward projection not less than two (2) inches in height near inside end.

(j) Horizontal end-platform handholds:

(1) *Number.* Two (2).

(2) *Dimensions.* (i) Minimum diameter, five-eighths (⅝) of an inch, wrought iron, steel, or other material of equivalent strength.

(ii) Minimum clearance, two (2), preferably two and one-half (2½) inches.

(iii) Minimum clear length sixty (60) inches. When security of attachment requires, an extra supporting leg may be applied near center of clear length.

(3) *Location.* One (1) on each end of car above end platform. Outer legs shall be not more than six (6) inches from inner legs of top end handholds. Height above tread of end platform: Not less than forty-eight (48) nor more than sixty (60) inches. When caboose is equipped with end doors two (2) sixteen (16) inch handholds shall be used.

(4) *Manner of application.* End-platform handholds shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets.

(k) Uncoupling levers; Same as specified for "Box and other House Cars" (see § 231.1(k)).

(l) All caboose cars without platforms built and placed in service after October 1, 1969, except those under construction on that date, must comply with this amendment. Caboose cars built and placed in service before October 1, 1969, or under construction on that date must comply with this amendment by October 1, 1974.

(m) Existing caboose cars without platforms:

(1) Caboose cars without platforms built on or before October 1, 1969, or under construction prior thereto and placed in service after October 1, 1969, shall be deemed equipped as nearly as possible within the intent of § 231.1 and of this § 231.11 when: (i) The running board, cupola handholds, roof handholds over side door, side and end ladders at "A" end of car and ladder treads above the fourth tread from bottom of side and end ladders at "A" end and at side doors are removed; (ii) One (1) horizontal end-platform handhold is applied on each end of car as specified in this section except the right hand end shall be not more than eight (8) inches from side of car, or where car and contour makes impractical the use of a single continuous end handhold, there is applied the equivalent consisting of two (2) handholds, the center handhold to be a minimum of thirty (30) inches in clear length and the handhold to the right to be a minimum of nineteen (19) inches in clear length and to extend to within eight (8) inches of the right side of the car, such handholds to be not more than twelve (12) inches apart, or a vertical handhold eighteen (18) inches in clear length attached to each end door post with clearance of lower end not less than thirty (30) nor more than thirty-six (36) inches above top of tread of end platform or top of center sill; and (iii) with hand brake operated near roof of car: A brake step shall be provided as specified in § 231.1 and lettering one and one-half (1½) inches high shall be painted on a yellow background on side sill near "B" end of car with a three-fourths (¾) inch black border containing the words "Keep off roof—no running board", or with hand brake operated from approximate level of top of end sill: Roof handholds and side and end ladder treads above the fourth tread from the bottom of ladders at "B" end of car shall be removed and a brake step, as specified by § 231.1 shall be used with top of tread surface being level with or not more than four (4) inches below adjacent end handhold.

(2) Subdivision (ii) of subparagraph (1) of this paragraph shall not apply to cars equipped with end platforms (cross over steps) and end platform handholds.

[F.R. Doc. 69-10293; Filed, Aug. 27, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83]

[Docket No. 18633; FCC 69-875]

USE OF SINGLE SIDEBAND RADIO-TELEPHONY ON CERTAIN FREQUENCIES IN MARITIME SERVICES IN THE GREAT LAKES

Establishment of Schedule of Dates, Technical Standards, Frequencies and Other Requirements

In the matter of amendment of Parts 2, 81, and 83 to establish a schedule of dates, technical standards, frequencies, and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services and to make other incidental rule changes, for the Great Lakes; Docket No. 18633.

1. In the notice of proposed rule making, Docket No. 18307, released September 12, 1968, the Commission limited its proposals to geographic areas other than Alaska and the Great Lakes. In regard to the Alaska area, the Commission has under current consideration the matter of preparation of proposals which, because of additional and unique circumstances applicable solely to Alaska, will be released under a separate proceeding. The instant notice is directed solely to the Great Lakes area.

2. The objectives of the program, background and related matters for conversion from double sideband (DSB) to single sideband (SSB) on radiotelephony frequencies below 4000 kc/s are set forth in the Commission's notice of proposed rule making (Docket No. 18307). The objectives, background, and related matters are applicable to the whole of the United States, including the Great Lakes.

3. At the time of preparation and release of the notice in Docket No. 18307 based on informal information supplied by representatives of the Lake Carriers' Association, the Commission had anticipated completion of industry planning and receipt of a program which (a) would fulfill the communication needs of commercial transport vessels on the Great Lakes by use of frequencies in the band 156-162 Mc/s; and (b) would decrease or discontinue need for and use by commercial transport vessels of frequencies in the band below 4000 kc/s. Planning along these general lines could take advantage of the present extensive and major use of VHF on the Great Lakes by U.S. vessels, together with Canadian plans to provide complete VHF coverage of Canadian waters of the Great Lakes.

4. In the current situation it appears that plans in the United States as well as in Canada may in the future permit dependence on VHF as the primary

means of communication for vessels on the Great Lakes. On the other hand, it is to be expected that there may be communication requirements that dictate a need for continuing provision of medium frequencies. Such medium frequency requirements as exist after the date for conversion from double sideband (DSB) to single sideband (SSB) must conform to the same technical parameters as for the same service in other areas; therefore, a program for conversion to SSB must be established for the Great Lakes and applied to any of the frequencies below 4000 kc/s which are to be continued beyond the date January 1, 1977, as proposed in the notice in Docket No. 18307.

5. With completion of the rulemaking proposed herein all necessary provision will have been made in the rules to support the marine communications requirements, both MF and VHF in the Great Lakes area. Should MF and VHF communications continue to be required it is proposed that the MF operations will be changed from DSB to SSB in the same manner and at the same time as will be required for other areas of the United States. If, on the other hand, VHF communications can be improved to the degree that MF communications are no longer required, it may be possible to amend the Canadian/Great Lakes Agreement at a later date so that use of MF can be discontinued in the Great Lakes prior to the date when conversion to SSB would be mandatory. Any continued use of MF of course, would have to comply with the new SSB rules after January 1, 1977.

6. The Commission's proposals relating to conversion to SSB on the Great Lakes are set forth below. These proposals are the same as those set forth in the notice in Docket No. 18307 except as concerns frequencies available and the date after which coast stations must discontinue use of DSB and commence operation with SSB. With regard to this date, Docket No. 18307 proposed January 1, 1970, whereas this docket proposes January 1, 1971. Since these proposals were discussed in detail in Docket No. 18307, a repetition of those detailed explanations is unnecessary.

Briefly, the purpose of the program is to make improvements in communications, to enhance the maritime radio safety system, and to provide for future use of frequencies below 4 Mc/s for single sideband radiotelephony. Single sideband is a more modern, sophisticated method of operation. It permits utilization of a greater number of channels reducing congestion. It also substantially limits interference.

As proposed, availability of 2 Mc/s to ship stations would be limited to those which are equipped with VHF and which operate at distances from shore which are beyond VHF range. This is fitted into

the schedule of conversion to SSB as follows:

Until January 1, 1971, DSB will continue to be authorized as at present.

After January 1, 1971, new installations aboard ship stations will be authorized use of SSB only where such ship stations are equipped also with VHF.

During the period January 1, 1971, to January 1, 1977, installations of 2 Mc/s DSB, authorized prior to January 1, 1971, will be amortized.

After January 1, 1977, use of 2 Mc/s radiotelephony will be limited to SSB and will be available only to vessels which are equipped also with VHF.

For coast stations the effect of the various amendments proposed is:

To continue to authorize installation of DSB until January 1, 1971.

Until January 1, 1971, transmission of SSB would be permissive; after January 1, 1971 capability to use full carrier, reduced carrier, and suppressed carrier emissions would be required.

On the international distress and calling frequency 2182 kc/s, until January 1, 1971, require capability to transmit and receive with SSB full carrier emission and, until January 1, 1977, receive DSB emission.

After January 1, 1977, except for safety communications and where communication requirements cannot be fulfilled by VHF, frequencies in the band 2000-2850 kc/s will not be available for use in ports and harbors, or lakes or rivers, or for communication involving passage of ships through locks, bridge areas, or Government controlled waterways.

The program, in addition, would establish revised technical standards, including those concerning emissions, frequency tolerances, and transmitter power.

7. The proposed amendments, as set forth below, are issued pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended, and the agreement between the United States of America and Canada for the Promotion of Safety on the Great Lakes by Means of Radio (Great Lakes Agreement). Final action in this proceeding will be consonant with the terms of the Great Lakes Agreement in force at the time final action is taken.

8. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 29, 1969, and reply comments on or before October 10, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: August 13, 1969.

Released: August 25, 1969.

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

Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of service of stations
7	8	9	10	11
***	***	***	***	***
2170-2173.5 2173.5-2190.5 (201)	MARITIME MOBILE. MOBILE.	Ship. Aircraft. Coast. Ship. Survival craft.	2182	MARITIME MOBILE. AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony) (NG-22). Distress and calling frequency.
2190.5-2194 ***	MARITIME MOBILE. ***	Ship. ***	***	MARITIME MOBILE. ***

2. Footnote to the table, Geneva Footnotes, number (201) is amended to read as follows:

(201) The frequency 2182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2170-2194 kc/s are prescribed in Article 35.

(2) Coast stations using radiotelephony:

(i) For frequencies designated in § 81.304(a):

2182 kc/s.....

All other frequencies.....

(ii) For frequencies designated in § 81.361(a) - A3J.

(iii) For frequencies in the band 156 to 174 Mc/s.

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ± 2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

2. In § 81.133(a), the table and footnote 4 are amended to read as follows:

§ 81.133 Authorized bandwidth.

(a) ***

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1.....	0.16A1.....	0.3
A2.....	2.60A2.....	2.8
A3.....	6A3.....	8.0
A3A.....	2.8A3A.....	3.0
A3B.....	6.6A3B.....	6.0
A3H.....	2.8A3H.....	3.0
A3J.....	2.8A3J.....	3.0
F1.....	0.3F1.....	0.5
F3.....	16F3.....	20.0
F3.....	36F3.....	40.0
P0.....	Variable.....	Variable

¹ Transmitters type accepted to operate in the band 2000-2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.

3. In § 81.134, paragraph (c)(1), the table and footnote are amended to read as follows:

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

§ 2.106 [Amended]

1. Section 2.106, for the frequency band 2170-2194 kc/s, is amended in columns 7 through 11 to read as follows:

B. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.132, paragraphs (a)(2) and (d) are amended to read as follows:

§ 81.132 Authorized classes of emission.

(a) ***

Until January 1, 1971: A3 or A3H;

After January 1, 1971: A3H.

A3, A3H, A3A, A3B, or A3J as specified in § 81.304 (a) and (b).

A3J.

F3.

§ 81.134 Transmitter power.

(c) ***

(1) ***

Frequency band (kc/s)	Class of station	Class of emission	Transmitter power
2000 to 4000 ¹	Any.....	A3.....	1500 watts by day. 700 watts by night.
		A3A, A3H, A3J.....	800 watts by day. 400 watts by night.
4000 to 18,000.....	Class I.....	A3.....	70 kilowatts.
18,000 to 27,500.....	do.....	do.....	27 kilowatts.
4000 to 27,500.....	do.....	A3A, A3B, A3H, A3J.....	50 kilowatts.
	Class II.....	do.....	1000 watts.
	do.....	A3.....	1500 watts.

¹ When using 2182 kc/s for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 100 watts for A3 emission and 50 watts for A3H emission.

4. In § 81.140, the head note is amended to read as follows:

§ 81.140 Emission limitations.

5. In § 81.142, paragraph (c)(2) is amended; and a new paragraph (j) added to read as follows:

§ 81.142 Modulation requirements.

(c) ***

(2) For transmitters operating on frequencies below 4 Mc/s, with the carrier emitted at a power level, for A3H, between 3 and 6 decibels below peak envelope power and, for A3A, at 16 decibels, ± 2 decibels, below peak envelope power

(j) In single sideband and independent sideband transmitters, the audiofrequency band shall be 350 to 2,700 cycles per second, with a permitted amplitude variation of 6 decibels. Audiofrequencies outside this band shall be attenuated to protect the adjacent channels.

6. In § 81.304, paragraph (a) is amended with respect to the frequencies in the band 2000-2850 kc/s; paragraph (b) is relettered (d); a new paragraph (c) is added; and paragraph (d) is amended and relettered (b); to read as follows:

§ 81.304 Frequencies available.

(a) The following tabulation indicates the frequencies which may be the authorized carrier frequencies for use by public coast stations. For single sideband radiotelephony emission, the assigned frequency will be 1.4 kc/s above the authorized carrier frequency. The specific conditions for authorization and use are enumerated in paragraphs (b) and (c) of this section.

Carrier frequencies (kc/s)	Conditions of Use	Carrier frequencies (kc/s)	Conditions of Use
2182-- (1), (9).		2550-- (2), (7), (10).	
2400-- (7), (10).		2558-- (7), (10).	
2439-- (8).		2566-- (7), (10).	
2442-- (7), (10).		2569-- (8).	
2447-- (8).		2572-- (19).	
2450-- (7), (10).		2582-- (2), (7), (10).	
2466-- (7), (10).		2587-- (8).	
2479-- (8).		2590-- (7), (10).	
2482-- (19).		2598-- (7), (10).	
2490-- (7), (10).		2638-- (6), (10), (13).	
2506-- (7), (10).		2738-- (7), (10).	
2514-- (2), (7), (10).		2782-- (7), (10).	
2522-- (7), (10).		2784-- (7), (10).	
2530-- (7), (10).			
2538-- (7), (10).			
2547-- (8).			

(b) Authorization and use of the carrier frequencies set forth in paragraph (a) of this section shall be in accordance with the following limitations and conditions.

(1) Available for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) The carrier frequencies 2514, 2550, and 2582 kc/s may be assigned to coast stations in the Great Lakes area on a shared basis with coast stations of Canada upon the express condition that, except in case of distress, 2550 kc/s shall not be used for transmission to ship stations of Canada and 2582 kc/s shall not be used for transmission to ship stations of the United States.

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) May be authorized for use by coast stations in certain geographic areas as prescribed in this part subject to the ex-

press condition that harmful interference shall not be caused to intership communication on this frequency.

(7) Conversion from double sideband emission to single sideband emission shall be effected in accordance with the schedule set forth in paragraph (c) of this section.

(8) Available for authorization with emission 2.8A3A and 2.8A3J only, to coast or ship stations in accordance with the schedule for conversion from double sideband to single sideband as set forth in paragraph (c) of this section; or at an earlier date: *Provided, however*, That interference will not be caused to coast and ship stations employing double sideband emissions centered on the carrier frequency located 3.00 kc/s above this carrier frequency.

(9) Until January 1, 1971, emission A3 or A3H; after January 1, 1971, emission A3H.

(10) Until January 1, 1971, emission A3, A3A, A3H, or A3J; during the period January 1, 1971, to January 1, 1977, emissions A3H, A3A, and A3J; after January 1, 1977, emissions A3A and A3J.

(11) [Reserved]

(12) [Reserved]

(13) May be authorized as a working frequency for Class II-B public coast stations for the transmission of safety and operational communications under the following conditions:

(i) No other frequency in the band 1600-5000 kc/s is available for assignment to public coast stations at the proposed location;

(ii) The proposed station is located within the continental United States (excluding Alaska) not less than 100 miles from the seacoast, the shores of navigable bays and sounds adjacent to the open sea, the shores of the Great Lakes, the St. Lawrence River, the Illinois and Ohio Rivers, and the Mississippi River south of Hastings, Minn.;

(iii) Use shall be confined exclusively to safety and operational communications;

(iv) Except for safety communications, use of the frequency shall be limited to day only: *Provided, however*, That operational communications may be continued beyond such time to the extent necessary for compliance with the provisions of § 81.186(b); and

(v) An affirmative showing is submitted with the original application and each renewal application evidencing the need for the desired safety and operational communications and establishing the fact that such communications cannot be provided by the use of frequencies above 156 Mc/s.

(14) [Reserved]

(15) [Reserved]

(16) [Reserved]

(17) [Reserved]

(18) [Reserved]

(19) Authorization for use of this frequency is withdrawn January 1, 1971.

(c) Assignment to public coast stations of radiotelephony frequencies in the band 2000-2850 kc/s will be subject to the following schedule and limitations:

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emissions will not be permitted beyond January 1, 1971;

(ii) Transmission of full carrier (A3H), reduced carrier (A3A), or suppressed carrier (A3J) emissions prior to January 1, 1971, shall be on a permissive basis. After January 1, 1971, the capability of using these emissions will be required.

(iii) Authorizations for use of DSB emission granted after the effective date of an order in this docket shall expire on January 1, 1971;

(iv) On 2182 kc/s, until January 1, 1971, will be required to have the capability to transmit with DSB (A3) or SSB full carrier (A3H) emissions and to receive DSB (A3) and full carrier (A3H) emissions;

(v) On 2182 kc/s during the period January 1, 1971, to January 1, 1977, will be required to have the capability to receive full carrier SSB (A3H) and DSB (A3) emission; after January 1, 1977, will be required to have the capability to receive full carrier SSB (A3H) emission.

(2) Relationship between service by public coast stations on frequencies in the band 2000-2850 kc/s and in the band 156-162 Mc/s:

(i) After January 1, 1977, radiotelephony frequencies in the band 2000-2850 kc/s will be available only to public coast stations which, in addition to service on frequencies in the band 2000-2850 Kc/s, also provide service on frequencies in the band 156-162 Mc/s: *Provided, however*, That this requirement may be waived where VHF service is already provided in waters near the proposed station.

(ii) Except for safety communications, after January 1, 1977, radiotelephony frequencies in the band 2000-2850 kc/s will not be available to public coast stations for communication: with vessels within communication range of VHF; with vessels in ports or harbors; concerning passage of ships through locks, bridge areas, or Government controlled waterways; or on lakes or river: *Provided, however*, That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF.

7. In § 81.306, paragraph (b) and table, the table to paragraph (c), and paragraph (e) are amended to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

(b) Subject to the specific limitations imposed in this paragraph and in § 81.304 with respect to particular frequencies, the carrier frequencies designated are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided, however*, That these frequencies are assignable only to

coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective coast-station-transmitting frequency: *Provided, further, That each coast station shall receive transmissions from mobile*

Frequencies available under present rules located in the vicinity of	Frequencies available January 1, 1971		Frequencies available January 1, 1971	
	Ship 1 transmit	Coast 1 transmit	Ship 1 transmit	Coast 1 transmit
Great Lakes.....	2118 2118 2206	2314 2314 2383	2115.5 2115.5 2206	2514 2514 2592

¹ Available for assignment in accordance with § 83.351.
² Available for assignment in accordance with § 81.304.
³ Ship stations will shift to the ship station transmit frequencies specified in the table during the 6 months period July 1, 1970, to December 31, 1970. Coast stations will shift to the coast station transmit frequencies specified in the table on Jan. 1, 1971.
⁴ The frequencies specified in the table will be available to ship and coast stations at any date after Jan. 1, 1971, in those cases where harmful interference will not be caused to other public correspondence ship and coast stations operating 1885, or on the contiguous SSB half-channel. These frequencies are in addition to those shown under the column "Frequencies available Jan. 1, 1971".

Coast stations located in the vicinity of—	Carrier frequency (kc/s)	Specific limitations imposed upon availability for use	
		Ship 1 transmit	Coast 1 transmit
Baltimore, Md.....	2490	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass.	
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2792 4765.3 4772.4 4377.4 6336.9 6340 6453 6455 8307.7 8310.8 2792	Subject to applicable provisions of § 81.304. Do. Do. Do. Do. Do. Do. Do. Do. Do.	
Lake Dallas, Tex.; Lake Terebena, Tex.; Lake Mead, Nev.; and other locations as required to serve vessels on inland waters of the northwestern continental United States.	2754	The use of this frequency at locations other than The Dalles, Oreg., and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.	

¹ Available for single released emissions only.
² Available for assignment in accordance with § 81.304.

(e) Use of the working frequencies authorized in paragraphs (a), (b), (c), and (d) of this section is subject to the applicable conditions and limitations set forth in § 81.304. Class II coast stations shall use frequency assignments within the band 2000 kc/s to 27.5 Mc/s only when frequency assignments in the band 156-162 Mc/s will not provide effective communication.

8. Section 81.365 is revised to read as follows:

§ 81.365 Availability of 2738 and 2830 kc/s for limited coast stations.

(a) Subject to the conditions set forth in paragraph (b) of this section, the frequencies 2738 and 2830 kc/s are available for assignment on a shared basis to limited coast stations in the areas where they are available for intership use upon a showing that the use of such frequencies is necessary to fulfill the need for communications with ships relating to safety of navigation at bridges, waterways, causeways and similar locations. Communications between such coast stations and ships shall be conducted on the same working frequency. On an adequate showing of need, both frequencies may be assigned. The transmitter power for such communications shall not exceed 50 watts.

Note: Commission order (FCC 62-734) adopted July 13, 1962, appearing at 27 F.R. 6833, July 19, 1962, waived regulations con-

tained in § 81.365 to permit the use of 2000 kc/s at a limited coast station licensed to Michigan State Highway Department.

(b) After January 1, 1977, radiotelephony frequencies in the band 2000-2850 kc/s will be available only to limited coast stations which, in addition to service on frequencies in the band 2000-2850 kc/s, also provide service on frequencies in the band 156-162 Mc/s. *Provided, however, That this requirement may be waived where VHF service is already provided in waters near the proposed station.* Except for safety communications, after January 1, 1977, radiotelephony frequencies in the band 2000-2850 kc/s will not be available to limited coast stations for communication: With vessels within communication range of VHF; with vessels in ports or harbors; concerning passage of ships through locks, bridge areas, or Government-controlled waterways; or on lakes or river: *Provided, however, That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF.*

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.132, paragraph (a) (2) is amended to read as follows:
 § 83.132 Authorized classes of emission.
 (a) . . .

(2) Stations using radiotelephony:

(i) For frequencies designated in § 83.351(a):	2182 kc/s	Until January 1, 1977: A3 or A3H; after January 1, 1977: A3H.
(ii) All other frequencies		A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).
(iii) For the frequency 121.5 Mc/s		A2.
(iv) For the frequency band 156 to 174 Mc/s		F3.

2. In § 83.133(a), the table is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	3.0
A3B	5.6A3B	6.0
A3H	2.8A3H	3.0
A3J	2.8A3J	3.0
F1	0.3F1 ¹	1.0
F2	16F2 ²	20.0
F3	36F3 ³	40.0
P0	Variable	Variable

¹ Narrow-band Direct-printing Telegraph and Data Transmission systems.

² Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.

³ Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.

⁴ Transmitters type accepted to operate in the band 2000-2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.

3. In § 83.134, the table to paragraph (d) is amended to read as follows:

§ 83.134 Transmitter power.

(d) * * *

Area	Frequency band	Type of communication	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5 Mc/s.	Any	150
Other than the above.	2 to 4 Mc/s.	Ship to shore, emission:	
		A3	12400
		A3H, A3A, A3J	12150
		Ship to ship, emission:	
		A3	150
		A3H, A3A, A3J	150
	4 to 27.5 Mc/s.	Any	1,000

¹ Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182, and 2191 kc/s is 150 watts.

² Except for the limitation specified in footnote 1 to this table, for passenger vessels of 5,000 gross tons and over this value is 1,000 watts.

³ For passenger vessels of 5,000 gross tons and over this value is 3,000 watts.

4. In § 83.136, the head note is amended to read as follows:

§ 83.136 Emission limitations.

5. In § 83.137, paragraph (c) is amended; new paragraphs (d) and (e) are added; and old paragraphs (d) through (g) are redesignated (f) through (i) to read as follows:

§ 83.137 Modulation requirements.

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ± 2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to (the effective date of the final order in this docket) that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,* That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351 (b) (13) is applicable, may continue until further notice.

(e) In single sideband and independent sideband transmitters, the audio frequency band shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels. Audiofrequencies outside this band shall be attenuated to protect the adjacent channels.

6. In § 83.139 paragraph (a) is amended and a new paragraph (c) is added to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

(c) Effective January 1, 1971, DSB transmitters operating in the band 2000-2850 kc/s will not be authorized for installations made about ship stations after that date: *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 2000-2850 kc/s, DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1977, where a license:

(1) Was granted prior to January 1, 1971; and

(2) Has not expired due to failure to renew; or

(3) Has not been canceled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

7. In § 83.141 paragraph (a) (2) is amended to read as follows:

§ 83.141 Special requirements for survival craft stations.

(a) * * *

(2) The frequency 2182 kc/s be able to use class of emission as set forth in § 83.351;

8. In § 83.351, with respect to frequencies in the band 2000-2850 kc/s, paragraph (a) and paragraph (b) are amended and a new paragraph (c) is added, to read as follows:

¹ The exception which follows is applicable to transmitters operating in the bands between 4 and 23 Mc/s (See Docket No. 18271).

§ 83.351 Frequencies available.

(a) The following tabulation indicates the carrier frequencies which, when authorized by station license, may be used by ship stations. The specific conditions for use are enumerated in paragraph (b) of this section:

Frequencies (kc/s)	Conditions of use
2003	17, 12, 40.
2006	9, 10.
2009	12.
2031.5	12.
2116.5	9, 10, 39.
2118	12, 39.
2124.5	9, 10, 39.
2126	12, 39.
2132.5	9, 10, 39.
2134	12, 39.
2142	17, 5, 19, 12.
2158	12.
2163	9, 10.
2168	12.
2170.5	9, 17, 10.
2182	1, 11.
2191	9, 17, 10.
2195	9, 10.
2198	12.
2203	9, 10.
2206	2, 12.
2211	9, 10.
2214	7, 12.
2363	9, 10.
2366	12.
2379	9, 10.
2382	40.
2390	40.
2397	9, 10.
2400	12.
2406	12.
2428.5	9, 10, 39.
2430	12, 39.
2456.5	9, 10, 39.
2458	12, 39.
2638	17, 6, 5, 12.
2735	17, 6, 9, 10.
2738	17, 6, 5, 12.
2782	12.
2784	12.
2830	17, 12.

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph.

(1) Available for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) Except in event of distress, use of this frequency in the Great Lakes area by ship stations of the United States is prohibited.

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) Available for use on a shared basis with ship stations of other countries, for the purposes hereinafter prescribed in this subpart. Use of these frequencies for ship-to-shore communication in certain geographic areas in accordance with this subpart is authorized, subject to the conditions of footnote (5): *Provided, however,* That this condition shall not be construed as prohibiting the operation of ship stations for authorized ship-to-shore communication on this frequency

pursuant to the provisions of §§ 83.176, 83.177(b), 83.179, and 83.180.

(7) Available to ship stations for use exclusively at locations at which interference is not caused to the service of any U.S. Government station.

(8) [Reserved]

(9) Available for use by ship stations after January 1, 1977, or at an earlier date: *Provided, however*, That interference will not be caused to coast and ship stations employing double sideband emissions centered on the carrier frequency located 3.00 kc/s above this carrier frequency.

(10) Use of this frequency is limited to emissions 2.8A3A and 2.8A3J only.

(11) Until January 1, 1977, emission A3 or A3H may be employed. After January 1, 1977, use is limited to emission A3H only.

(12) Until January 1, 1977, emissions A3, A3A, A3H, or A3J may be employed. After January 1, 1977, use is limited to emissions A3A and A3J.

(13) [Reserved]

(14) [Reserved]

(15) [Reserved]

(16) [Reserved]

(17) Available for use in accordance with the provisions of § 83.358.

(18) [Reserved]

(19) Available for intership communication on a day only basis in the Pacific coast area south of 42 degrees north latitude.

(20) [Reserved]

(21) through (38) [Reserved]

(39) The adjustment of the carrier frequencies specified below shall be effected by ship stations during the period July 1, 1970, to December 31, 1970.

SHIP STATIONS CARRIER FREQUENCY (Kc/s)

From	To
2118	2116.5
2126	2124.5
2134	2132.5
2430	2428.5
2458	2456.5

(40) Authorization for use of this frequency is withdrawn January 1, 1971; transition to the replacement frequency shall be effected by ship stations during the period July 1, 1970, to December 31, 1970.

(c) Assignment to ship stations of radiotelephony frequencies in the band 2000-2850 kc/s will be subject to the following schedule and limitations:

(1) After January 1, 1971, new installations (double sideband) emission will not be authorized of transmitters employing A3 authorized.

(2) Transmitters employing A3 (double sideband) emission which were authorized (see § 83.139(c)) prior to January 1, 1971, may continue to be used until January 1, 1977.

(3) After January 1, 1971, new installations of transmitters employing A3A, A3H, and A3J (single sideband) emissions will be authorized only for communication:

(i) With coast stations by ship stations which are also equipped with VHF

and operate at a distance from a public coast, limited coast with which the ship station is authorized to communicate, or U.S. Coast Guard station which is beyond VHF communication range; and

(ii) For intership communication by ship stations where communication is required with other vessels over distances in excess of the VHF communication range.

(4) After January 1, 1977, to those ship stations which are equipped for use of both single sideband emissions, as set forth in paragraph (b) of this section, and F3 emissions in the band 156-162 Mc/s.

(5) After January 1, 1977, radiotelephony frequencies in the band 2000-2850 kc/s will not be available for and shall not be used for communication:

(i) With other vessels which are within communication range of VHF;

(ii) Within ports, harbors, for communication concerning passage of ships through locks, bridge areas, or Government controlled waterways; and

(iii) On lakes or rivers:

Provided, however, That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF, or by adaptation of VHF.

8. In § 83.354, the tables in paragraphs (a) (1) and (2) and paragraphs (b) and (c), with respect to frequencies available in the Great Lakes in the band 2000-2850 kc/s, are amended to read as follows:

§ 83.354 Frequencies below 5,000 kc/s for public correspondence.

(a) * * *

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio frequencies:

For communication with coast stations located in the vicinity of	Frequencies available under present rules		Frequencies available January 1, 1971 ¹		Frequencies available January 1, 1977 ²	
	Ship ³ transmit	Coast ³ transmit	Ship ³ transmit	Coast ³ transmit	Ship ³ transmit	Coast ³ transmit
Great Lakes	2118	2514	2116.5	2514	2116.5	2514
	2158	2550	2158	2550	2158	2550
	2206	2582	2206	2582	2206	2582

¹ Available for assignment in accordance with § 83.351.

² Available for assignment in accordance with § 81.304.

³ Ship stations will shift to the ship station transmit frequencies specified in the table during the 6 months period July 1, 1970, to Dec. 31, 1970. Coast stations will shift to the coast station transmit frequencies specified in the table on Jan. 1, 1971.

⁴ The frequencies specified in the table will be available to ship and coast stations at any date after Jan. 1, 1971, in those cases where harmful interference will not be caused to other public correspondence ship and coast stations operating DSB, or on the contiguous SSB half-channel. These frequencies are in addition to those shown under the column "Frequencies available Jan. 1, 1971".

(2) * * *

For communication with coast stations located in the vicinity of—	Carrier frequency (kc/s)	Specific limitations imposed upon availability for use
Baltimore, Md.	2400	Available on condition that harmful interference is not caused to the service of any coast station in the vicinity of Boston, Mass. Transmitter power at night shall not exceed 150 watts.
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782 4009.3 4072.4 4574.3 4877.4	None. Subject to applicable provisions of § 83.351(b). Do. Do. Do.
Lake Dallas, Tex.; Lake Texoma, Tex.	2782	None.
Lake Mead, Nev.; and other locations as required to serve vessels on inland waters of the southwestern continental United States.	2782	The use of this frequency in areas other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Ore.; Umatilla, Ore.; and other locations as required to serve vessels on inland waters of the northwestern continental United States, excluding Alaska.	2784	The use of this frequency at locations other than in the vicinity of The Dalles, Ore., and Umatilla, Ore., is subject to the condition that harmful interference is not caused to the service of any other station.

¹ Available for single sideband emissions only.

² Available for assignment in accordance with § 83.35.

(b) The frequency 2638 kc/s is authorized to public ship stations as a working frequency to communicate with public coast stations authorized to operate on 2638 kc/s for the transmission of safety communications. Stations on board aircraft may not use the frequency 2638 kc/s for communication with coast stations except in the event of distress.

(c) The use of the working frequencies authorized in paragraphs (a) and (b) of this section is subject to the applicable conditions and limitations set forth in § 83.351. Ship stations shall use frequency assignments within the band 4000 kc/s to 5000 kc/s only when frequency assignments in the band 156-162 Mc/s will not provide effective communication; frequency assignments within the

band 2000-2850 kc/s shall be used only when frequency assignments in the band 156-162 Mc/s will not provide effective communication.

9. In § 83.355, paragraph (b) is amended to read as follows:

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

(b) Ship stations shall use frequency assignments within the band 5000 kc/s to 27.5 Mc/s only when frequency assignments below 5000 kc/s or above 27.5 Mc/s will not provide effective communications.

10. In § 83.358, paragraph (a) is amended to read as follows:

§ 83.358 Frequencies below 3000 kc/s for safety purposes.

(a) The following carrier frequencies, when authorized by station license, are available for intership safety communications in the respective geographic areas. In addition, on a noninterference basis to safety communications, the frequencies may be used for operational communications and, in the case of commercial transport vessels and vessels of municipal or State governments, for business communications. Use of these carrier frequencies is prohibited when the use of a licensed frequency above 27.5 mc/s in lieu thereof would provide effective communication.

Frequency (kc/s)	Geographical area
2003.....	Great Lakes only.
2065.....	(¹).
2079.....	(²).
2082.5.....	(²).
2086.....	(²).
2093.....	(²).
2096.5.....	(²).
2100.....	(²).
2103.5.....	(²).
2142.....	Pacific coast area south or latitude 42° north, on a day only basis.
2170.5.....	(¹).
2191.....	(¹).
2638.....	All areas.
2735.....	(¹).
2738.....	All areas except the Great Lakes and the Gulf of Mexico.
2830.....	Gulf of Mexico only.

¹ Subject to the conditions of use set forth in § 83.351(b) (9) and (10). The nature of service and category of vessel to be permitted on these intership carrier frequencies is under continuing consideration by the Commission.

² Only a portion of these frequencies will be available for use in the United States. The number which will be available is under consideration by the Commission, and is being coordinated with Canada. The frequencies ultimately selected will be available only for single sideband radiotelephony, and the classes of emission will be limited to A3A and A3J.

11. In § 83.365, paragraph (b) is amended to read as follows:

§ 83.365 Procedure in testing.

(b) When testing is conducted on any frequency within the bands 2173.5 to 2190.5 kc/s, 156.75 to 156.85 Mc/s, 480 to 510 kc/s (survival craft transmitters only), or 8362 to 8366 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations using telephony shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

12. In § 83.366, paragraph (j) is amended to read as follows:

§ 83.366 General radiotelephone operating procedure.

(j) 2182 kc/s silence period in Regions 1 and 3. Transmission by ship or survival craft stations when in Regions 1 and 3 (except in the territorial waters of Japan and the Philippines) is prohibited on any frequency (including 2182 kc/s within the band 2173.5 to 2190.5 kc/s during each 2182 kc/s silence period, i.e., for 3 minutes twice each hour beginning at x h. 00 and x h. 30, Greenwich mean time: *Provided, however*, That this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

13. In § 83.484, paragraph (a) is amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3 or A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least two other frequencies within the band 1605 to 2850 kc/s available for ship to shore or ship to ship communication.

14. In § 83.517, paragraph (a) is amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a carrier power of at least 25 watts for A3 emission or peak envelope power of not less than 50 watts for A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least one ship to shore working frequency within the band 1605 to 2850 kc/s enabling communication with a public coast station serving the region in which the vessel is navigated.

[F.R. Doc. 69-10212; Filed, Aug. 27, 1969; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 18644; FOC 69-922]

TELEVISION BROADCAST STATIONS

Table of Assignments; Oxnard, Calif.

In the matter of amendment of § 73.606(b) of the Commission's rules, Television Table of Assignments (Oxnard, Calif.); Docket No. 18644, RM-1470.

1. On June 30, 1969, Lola Goelet Yoakem filed a petition for rule making

(RM-1470) requesting assignment of a UHF television broadcast channel to Oxnard, Calif.

2. Petitioner emphasizes the need for a local community station to provide informational-entertainment programming linked to serve the interests of the locality. Oxnard, population 40,265, is located in Ventura County, population 199,138, approximately 55 miles west of the Los Angeles reference point.

3. Television service to Oxnard and vicinity is now provided by VHF stations in Los Angeles and Santa Barbara. A UHF station in the adjacent community of Ventura became operational in January of this year and also provides service. CATV systems are prevalent in Ventura County with operations in Ventura, Thousand Oaks, Westlake, Ojai, Fillmore, and Santa Paula. This may indicate that optimum off-the-air reception is not possible because of the area's rugged terrain.

4. We believe that the petition contains evidence of the need for an assignment to Oxnard and therefore warrants the initiation of a rule making proceeding.

5. We have investigated UHF channel assignment possibilities at Oxnard and find that Channel 63 is the most efficient assignment. Assignment of Channel 63 to Oxnard will not preclude future assignments to other smaller communities in the area. It meets all minimum mileage separations of the rules and provides necessary site flexibility.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.606(b) of the Commission's rules, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Oxnard, Calif.	63

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules interested parties may file comments on or before October 3, 1969, and reply comments on or before October 13, 1969. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: August 20, 1969.

Released: August 22, 1969.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10307; Filed, Aug. 27, 1969; 8:49 a.m.]

¹ Commissioner Cox absent.

[47 CFR Parts 89, 91]

[Docket No. 18643; FCC 69-916]

PUBLIC SAFETY RADIO SERVICES

Operation of Mobile Relay Systems,
Fixed Relay Stations, and Repeater
Stations

In the matter of amendment of Parts 89 and 91 of the Commission's rules governing the operation of mobile relay systems, fixed relay stations and repeater stations; and petition filed by the California Public-Safety Radio Association, Inc., to permit operation of mobile relay stations on frequencies below 150 Mc/s in the Public Safety Radio Services; Docket No. 18643, RM-386.

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

2. The California Public-Safety Radio Association, Inc. (CPRA) has filed a petition seeking changes in the rules governing the Police, Fire, Forestry Conservation, and Highway Maintenance Radio Services to permit mobile relay station operation on any available frequency below 150 Mc/s. Since the next lower band available for this purpose is the 25-50 Mc/s band, we will hereafter refer to frequencies above or below 50 Mc/s.

3. The petitioner set forth two situations experienced by public safety users in the Los Angeles area in which the restriction against transmitting base-mobile communications via a mobile relay station on frequencies below 150 Mc/s impaired the licensee's ability to handle an emergency situation. It is CPRA's contention that to permit usage of frequencies below 150 Mc/s for mobile relay operations would provide needed communication range and would do away with the necessity of repeating messages from one area to another. CPRA also maintains that various protective devices have been perfected which will prevent signals from other users on frequencies in the 25-50 Mc/s band from "capturing" the mobile relay transmission. In other words, these devices will preclude or minimize the possibility of the system being activated by "skip" interference.

4. Mobile relay operation requires twice the frequency occupancy of a conventional single or two frequency simplex system. In mobile relay systems, each word of a mobile originated message appears simultaneously at two points in the spectrum, i.e., on the frequency of the mobile unit (the "triggering" frequency) and on the frequency of the mobile relay station. The long range sky wave or "skip" interference which is associated with the use of frequencies below 50 Mc/s therefore, has potentially a substantially more adverse effect in the case of a mobile relay system than when a simple base-mobile system is involved. Further, a mobile relay station which is susceptible to being "triggered" by frequencies below 50 Mc/s has a greater probability of being triggered by undesired signals, and, thus, being unnecessarily put on the air, than one which is designed to be "triggered" by transmissions on higher frequencies. Similarly a

mobile relay station which transmits on frequencies below 50 Mc/s can be a source of interference to other systems over larger areas than would be the case if the mobile relay transmit frequency were above 50 Mc/s. The Industrial rules undertake to meet the first above-described aspect of this problem by requiring that the "triggering" frequency be above 50 Mc/s (47 Mc/s is specified in the rules) while permitting the mobile relay transmit frequency to be either above or below 50 Mc/s. The Public Safety Rules on the other hand are directed to the second above-described aspect and require the mobile relay transmit frequency be above 50 Mc/s but permit the "triggering" frequency to be either above or below 50 Mc/s. Because it is believed that the considerations involved in the Public Safety Services and the Industrial Services are the same with respect to determining which frequency bands should be available for mobile relay systems, we propose to achieve uniformity in the respective rules governing these systems.

5. It is believed that the effect of "skip interference" on mobile relay systems can be alleviated by certain equipment requirements. Accordingly, we propose to adopt uniform rules for both the Public Safety and Industrial Radio Services which will permit the use of frequencies from bands either above or below 50 Mc/s for either "triggering" the mobile relay station or as transmit frequencies of mobile relay stations. The following equipment requirements would, however, be imposed:

a. The installation of continuous tone control devices will be required for all systems employing a frequency below 50 Mc/s as a "triggering" frequency or as a mobile relay station transmit frequency. Comments are invited concerning the feasibility of requiring such devices in all mobile relay installations regardless of the frequencies utilized.

b. The installation of a suitable device to insure that the mobile relay station cease operation within five seconds after the "triggering" emissions cease.

c. The installation of a time-delay or clock device to deactivate a mobile relay station not under the control of an operator at a fixed location within three minutes after its activation.

6. As we indicated in paragraph 4 above, mobile relay systems occupy two frequencies simultaneously. This tends to discourage time sharing between otherwise compatible systems and often results in excessive geographic spacing. To encourage the most efficient use of congested frequency bands below 450 Mc/s it is appropriate to limit mobile relay uses to those licensees having a mobile-to-mobile requirement that cannot be met by other means. Although this is now a requirement in the Industrial Radio Services, the Public Safety rules omit such a requirement. We propose to require that all applications for new mobile relay systems in both services be accompanied by a statement that indicates a requirement for prompt mobile-to-mobile communication over

distances greater than can be achieved by direct communication. This statement would be required for all applications that propose mobile relay operation on frequencies below 450 Mc/s. In the bands above 450 Mc/s where direct mobile-to-mobile communications can normally be achieved only over short distances and where all available frequencies are paired, the statement will not be required.

7. The rules require that each station in a mobile relay system be identified; however, provision is included for waiver of the rules where a station is controlled by the emission of another station. It is proposed to require the identification of all control stations by the transmission of the associated relay station call sign. Stations retransmitting messages originated by mobile units will be identified by the transmission of the mobile unit call. This should simplify and standardize the station identification procedure for all types of relay stations, and eliminate the necessity for case-by-case waivers and special clauses on the authorizations of these stations.

8. Each relay, including mobile relay, installation must comply with control point equipment requirements that, among other things, include either a carrier activated visual indication of radiation or visual indication when control circuits are placed in a condition to produce radiation. Relay stations controlled by emissions of another station may or may not have installed a device to indicate transmitter operation at the control point, and there appears to be no uniformity between systems. We are proposing to clarify the control point rules to permit the installation of a single pilot lamp or meter at the control point location to indicate activation of both the local and remote transmitters.

9. In a brief, this proposal would grant the petition of CPRA; mobile relay station operation in both the Industrial and Public Safety Radio Services would be permitted on any frequency in the band 25-50 Mc/s (as well as in higher frequency bands), and the "triggering" frequency in mobile relay systems in either of these services could be any frequency in the band 25-50 Mc/s or any higher frequency band. To meet the problem of unwanted "triggering" due to interference and alleviate its adverse effects continuous tone control will be mandatory and a maximum period of 5 seconds for cessation of operation after the controlling signals cease will be specified. The Public Safety and Industrial Radio Services would have similar rule requirements and a statement would be required in support of any new mobile relay system to operate in bands below 450 Mc/s. Identification and control point rules will be clarified and time delay or clock devices will continue to be required for stations not under the control of an operator at a fixed control point.

10. The proposed amendment of the rules set forth below is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to applicable provisions of § 1.415 of the Commission's rules, interested persons may file comments on or before October 3, 1969, and reply comments on or before October 13, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: August 20, 1969.

Released: August 25, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

I. Part 89 of the Commission's rules is amended as follows:

1. Add a new § 89.12 as follows:

§ 89.12 Relay and repeater stations.

(a) *General.* Relay and repeater stations are used to extend the range of communications between another radio station and the point with which it is desired to communicate.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of relay station are as follows:

(1) Each application for a new mobile relay station authorization to operate on a frequency below 450 Mc/s shall be accompanied by a statement that the applicant has a requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication.

(2) A mobile relay station may be authorized to operate on any mobile service frequency available for assignment to base stations.

(3) Each new mobile relay station authorized after _____ that is activated by signals below 50 Mc/s shall incorporate a continuous coded tone control device the absence of which will deactivate the receiver.

(4) Mobile relay stations controlled by signals above 50 Mc/s are not required to incorporate coded signal or tone control devices unless the transmitters are consistently activated by undesired signals and they cause harmful interference to other licensees. If activation by undesired signals causes harmful interference the Commission will require the installation of suitable tone control equipment after 90 days notice to the licensee.

(5) Each new mobile relay station authorized after _____ shall be so designed and installed that the transmitter is deactivated auto-

matically within 5 seconds after the signals controlling the station cease.

(6) Each mobile relay station, during periods that it is not controlled from a manned fixed control point, shall be provided with an automatic time delay or clock device that will deactivate the station not more than three minutes after its activation by a mobile unit.

(7) A mobile station associated with one or more mobile relay stations may be authorized to operate on any mobile service frequency above 25 Mc/s which is available for assignment to mobile stations.

(8) In any radio system which employs more than one mobile relay station, where there is a requirement that stations in the vicinity of one mobile relay station be able to communicate automatically with stations in the vicinity of other mobile relay stations, any necessary circuits for inter-connection of the mobile relay stations shall be provided by means of wirelines or radio station operating on fixed service frequencies.

(9) A base station which is used intermittently as a control station for one or more associated mobile relay stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated mobile relay station and/or mobile station. Authority for such dual classification and use must be shown on the station authorization.

(c) *Fixed relay stations.* Fixed relay stations will be authorized to operate only on frequencies available for use by operational fixed stations.

(d) *Control stations.* Control stations will be authorized to operate only on frequencies available for use by operational fixed stations. A control station associated with one or more mobile relay stations may, at the option of the applicant, be assigned the frequency of the associated mobile station. Use of a mobile service frequency by a control station of a mobile relay system is subject to the condition that harmful interference not be caused to stations of other licensees authorized to use the frequency for mobile service communication.

(e) *Repeater stations.* Repeater stations will be authorized to operate only on frequencies available for use by operational fixed stations.

2. Section 89.113 is amended by the addition of a new paragraph (e) (1) to read as follows:

§ 89.113 Transmitter control requirements.

(e) * * *

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-car-

ried transmitters. The control point for a transmitter utilized to activate another radio station may employ a single pilot lamp or meter as an indication of activation of the local and remote transmitters;

3. Section 89.153(a) is amended and paragraphs (h), and (i) added to read as follows:

§ 89.153 Station identification.

(a) Except as provided in paragraphs (b), (h), and (i) of this section, the required identification for stations in these services shall be the assigned call signal.

(h) Control stations shall be identified by transmission of the call signal of the associated station being controlled.

(i) Base, fixed relay and repeater stations shall be identified by the transmission of the associated mobile station call signal when retransmitting signals originated by a mobile unit.

§ 89.257 [Amended]

4. Section 89.257 is amended by the deletion of paragraphs (a) and (b).

§ 89.259 [Amended]

5. Section 89.259 is amended by the deletion of the text of paragraph (e).

§ 89.307 [Amended]

6. Section 89.307 is amended by the deletion of paragraphs (a) and (d).

7. Section 89.309(f) is amended to read as follows:

§ 89.309 Frequencies available to the Police Radio Service.

(f) Control and repeater stations except as provided for by § 89.12(d) may be authorized on a temporary basis to operate on frequencies available for base and mobile stations in the region 152-450 Mc/s, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation on base or mobile frequencies will not be authorized initially or renewed for periods in excess of 1 year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

§ 89.357 [Amended]

8. In § 89.357 paragraphs (a) and (c) are deleted.

9. Section 89.359(e) is amended to read as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

(e) Control and repeater stations except as provided for by § 89.12(d) may be authorized on a temporary basis to operate on frequencies available for base and

¹ Commissioner Cox absent.

mobile stations in the region 152-450 Mc/s, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation on base or mobile frequencies will not be authorized initially or renewed for periods in excess of 1 year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

§ 89.407 [Amended]

10. In § 89.407, paragraphs (a) and (d) are deleted.

11. Section 89.409(d) is amended to read as follows:

§ 89.409 Frequencies available to the Highway Maintenance Radio Service.

(d) Control and repeater stations except as provided in § 89.12(d) may be authorized on a temporary basis to operate on frequencies available for base and mobile stations in the region 1508-450 Mc/s, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation on base or mobile frequencies will not be authorized initially or renewed for periods in excess of 1 year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

§ 89.457 [Amended]

12. In § 89.457, paragraphs (a) and (c) are deleted.

13. Section 89.459(c) is amended to read as follows:

§ 89.459 Frequencies available to the Forestry Conservation Radio Service.

(c) Control and repeater stations except as provided in § 89.12(d) may be authorized on a temporary basis to operate on frequencies available for base and mobile stations in the region 150.8-450 Mc/s, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation on base or mobile frequencies will not be authorized initially or renewed for periods in excess of 1 year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

14. In § 89.523, paragraph (a) is added to read as follows:

§ 89.523 Station limitations.

(a) Mobile relay stations will not be authorized in the Special Emergency Radio Service.

§ 89.525 [Amended]

15. In § 89.525, paragraph (h) is deleted.

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

1. Section 91.7 is revised to read as follows:

§ 91.7 Relay and repeater stations

(a) *General.* Relay and repeater stations are used to extend the range of communications between another radio station and the point with which it is desired to communicate.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of relay station are as follows:

(1) Each application for a new mobile relay station authorization to operate on a frequency below 450 Mc/s shall be accompanied by a statement that the applicant has a requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication.

(2) A mobile relay station may be authorized to operate on any mobile service frequency available for assignment to base stations.

(3) Each new mobile relay station authorized after ----- that is activated by signals below 50 Mc/s shall incorporate a continuous coded tone control device the absence of which will deactivate the receiver.

(4) Mobile relay stations controlled by signals above 50 Mc/s are not required to incorporate coded signal or tone control devices unless the transmitters are consistently activated by undesired signals and they cause harmful interference to other licensees. If activation by undesired signals causes harmful interference the Commission will require the installation of suitable tone control equipment after 90 days' notice to the licensee.

(5) Each new mobile relay station authorized after ----- shall be so designed and installed that the transmitter is deactivated automatically within 5 seconds after the signals controlling the station cease.

(6) Each mobile relay station, during periods that it is not controlled from a manned fixed control point, shall be provided with an automatic time delay or clock device that will deactivate the station not more than 3 minutes after its activation by a mobile unit.

(7) A mobile station associated with one or more mobile relay stations may be authorized to operate only on a mobile service frequency above 25 Mc/s which is available for assignment to mobile stations. In the Business Radio Service any low power frequency may be authorized for that purpose when such stations are

limited to a maximum power of one watt or less.

(8) In any radio system which employs more than one mobile relay station, where there is a requirement that stations in the vicinity of one mobile relay station be able to communicate automatically with stations in the vicinity of other mobile relay stations, any necessary circuits for inter-connection of the mobile relay stations shall be provided by means of wirelines or radio station operating on fixed service frequencies.

(9) A base station which is used intermittently as a control station for one or more associated mobile relay stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated mobile relay station and/or mobile station. Authority for such dual classification and use must be shown on the station authorization.

(c) *Fixed relay stations.* Fixed relay stations will be authorized to operate only on frequencies available for use by operational fixed stations.

(d) *Control stations.* Control stations will be authorized to operate only on frequencies available for use by operational fixed stations. A control station associated with one or more mobile relay stations may, at the option of the applicant, be assigned the frequency of the associated mobile station. Use of a mobile service frequency by a control station of a mobile relay system is subject to the condition that harmful interference not be caused to stations of other licensees authorized to use the frequency for mobile service communication.

(e) *Repeater stations.* Repeater stations will be authorized to operate only on frequencies available for use by operational fixed stations.

2. In § 91.107, paragraph (e)(1) is amended to read as follows:

§ 91.107 Transmitter control requirements.

(e) -----

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters. The control point for a transmitter utilized to activate another radio station may employ a single pilot lamp or meter as an indication of activation of the local and remote transmitters;

3. In § 91.152, paragraphs (h) and (i) are added to read:

§ 91.152 Station identification.

(h) In lieu of the requirement of paragraph (a) of this section, control stations

shall be identified by transmission of the call signal of the associated station being controlled.

(i) In lieu of the requirement of paragraph (a) of this section, base, mobile relay, fixed relay, and repeater stations shall be identified by the transmission of the associated mobile station call signal when retransmitting signals originated by a mobile unit.

[F.R. Doc. 69-10306; Filed, Aug. 27, 1969; 8:49 a.m.]

[47 CFR Part 91]

[Docket No. 18642; FCC 69-915]

EXPANDED USE OF SIGNALLING DEVICES ON REGULAR BASIS

Notice of Proposed Rule Making

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

2. One of the relatively new and highly specialized uses of radio, finding increasing application in recent years, relates to the transmission of audio tones and impulses to control or telemeter remote objects or processes. Stations have been licensed and are operating under a developmental program initiated to develop the feasibility of utilizing frequencies available for low power (3 watts or less) radiotelephony for this purpose. A limited provision for this type of operation is made under the rules governing the Forest Products Radio Service which permit the use of nonvoice emissions on the low power frequencies 154.57 and 154.60 MHz. Rules changes are now proposed that would permit similar nonvoice uses on all frequencies above 150 MHz designated as available for low power (maximum 3-watt input use) in the Business Radio Service.

3. The rules herein proposed include provision for the continuous carrier transmit mode of operation when required for remote control of objects and

devices such as locomotives where fail-safe operation is required. The simultaneous transmission of several control functions will be permitted, provided that the allowable emission bandwidth is not exceeded.

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

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 3, 1969, and reply comments on or before October 13, 1969. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: August 20, 1969.

Released: August 25, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

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

In § 91.554, the frequency table in paragraph (a) is amended, in relation to the following frequencies in appropriate numerical sequence, and paragraph (b) is amended by adding subparagraph (42), as follows:

§ 91.554 Frequencies available.

(a) * * *

¹ Commissioner Cox absent.

Frequency or band	Class of station(s)	General reference	Limitations
Mcs			
154.570	Mobile	Low power general use	13, 14, 42
154.600	do.	do.	13, 14, 42
457.525	Mobile	do.	13, 33, 42
457.550	do.	do.	13, 33, 42
457.575	do.	do.	13, 33, 42
457.600	do.	do.	13, 33, 42
		Low power general use	13, 33, 42
467.750	do.	do.	13, 33, 42
467.775	do.	do.	13, 33, 42
467.800	do.	do.	13, 33, 42
467.825	do.	do.	13, 33, 42
467.850	do.	do.	13, 33, 42
467.875	do.	do.	13, 33, 42
467.900	do.	do.	13, 33, 42
467.925	do.	do.	13, 33, 42

(b) * * *

(42) This frequency may be used for low power mobile operation for radio remote control and telemetering functions. A1, A2, F1, or F2 emission may be authorized and mobile stations used to

control remote objects or devices may be operated in the continuous transmit mode where fail-safe operation is required.

[F.R. Doc. 69-10306; Filed, Aug. 27, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[412.3]

SYNTHETICALLY PRODUCED THYMOL

Tariff Classification

Under an established and uniform practice, importations of thymol from whatever source produced have been classified for tariff purposes under the *ex nomine* provision, item 437.72, Tariff Schedules of the United States (TSUS), at the column 1 rate for 1969 of 9.5 percent *ad valorem*.

The Bureau is presently reviewing that practice as applied to thymol in which the benzenoid structure is artificially produced by synthesis. (Classification under item 437.72, TSUS, of thymol which is produced from natural vegetable sources is not under review.) In the light of Headnote 1, Part 1C, Schedule 4, it appears that such thymol may properly be classifiable as a benzenoid drug under item 407.85, TSUS, and currently dutiable at the column 1 rate of 2.8 cents per pound plus 20 percent *ad valorem*. Headnote 1, Part 1C, Schedule 4, states that the provision of that subpart providing for products obtained, derived, or manufactured in whole or in part from products described in subparts A or B of Part 1, Schedule 4, shall also apply to products of like chemical structure artificially produced by synthesis, whether or not obtained, derived, or manufactured in whole or in part from products described in said Subpart A or B.

Accordingly, this notice of the consideration of a change in practice is published pursuant to the provisions of § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)).

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Commissioner of Customs, Washington, D.C. 20226, not later than 30 days from the date of publication of this notice. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-10295; Filed, Aug. 27, 1969;
8:48 a.m.]

[T.D. 69-196]

[473.234]

DIGESTED OR BOILED WOOL REMOVED FROM RAW SHEEPSKINS OR RAW SHEEPSKIN PIECES

Tariff Classification

The Bureau published on July 20, 1968 (33 F.R. 10407), a notice that it was re-

viewing the existing practice of classifying wool referred to as digested or boiled wool which is obtained from raw sheepskin or sheepskin pieces under the provision for fibers recovered from tanned-skin scrap in item 307.30, Tariff Schedules of the United States (TSUS), if not over 1 inch in length or under item 307.18, TSUS, as other waste of wool or hair, if over 1 inch in length.

On review of the data and views submitted, the Bureau is of the opinion that since digested wool is recovered from raw sheepskins or sheepskin pieces by a process which leaves the fibers relatively undamaged, it is not classifiable under item 307.18 or 307.30, TSUS, but is classifiable as wool under the tariff schedules by grade. Fibers recovered from tanned-skin scrap by utilizing a sulfuric acid boil which dissolves the skin, if 1 inch in length or under, are classifiable under item 307.30, TSUS. Such fibers which are over 1 inch in length are classifiable under item 307.18, TSUS.

Fibers recovered from raw skin scrap by means of a sulfuric acid boil which dissolves the skin are classifiable under item 307.18, TSUS.

Since this ruling will result in the assessment of duties at a rate higher than that previously assessed in some cases on such wool, the higher rate will be applied only to such merchandise as may be entered, or withdrawn from warehouse, for consumption after the expiration of 90 days after the date of the publication of this notice in the weekly Customs Bulletin.

An appropriate notice of proposed rule making concerning the evidence which will be required to establish that an importation of fibers from tanned-skin scrap is classifiable under item 307.30 or item 307.18, TSUS, will be published in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: August 21, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary,
of the Treasury.

[F.R. Doc. 69-10296; Filed, Aug. 27, 1969;
8:48 a.m.]

BARBERS' CHAIRS FROM JAPAN

Notice of Tentative Negative Determination

AUGUST 14, 1969.

Information was received on July 31, 1968, that barbers' chairs from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL

REGISTER of October 3, 1968, on page 14787.

I hereby make a tentative determination that barbers' chairs from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Sales in the home market were made in sufficient quantity to afford an appropriate basis of comparison.

Sales to the United States were made to both related and unrelated purchasers within the meaning of section 207 of the Antidumping Act.

Purchase price or exporter's sales price as appropriate were, therefore, compared with home market price for fair value purposes.

Exporter's sales price was based on the price from the related U.S. firm to unrelated purchasers. Deductions from this price were made for ocean freight, marine insurance, inland freight, commissions, U.S. import duty, brokerage fees, and selling expenses in the United States. Comparison on the basis of exporter's sales price was applicable to approximately 99 percent of the shipments.

Exporter's sales price was found to be not less than home market price.

Purchase price was based on the c.i.f. price to the single unrelated purchaser in the United States. From this price was deducted ocean freight, insurance and inland freight in Japan. Comparison on the basis of purchase price was applicable to approximately 1 percent of all shipments.

Purchase price was found to be lower than home market price.

Upon being advised that the purchase price was less than the home market price, assurances were provided that direct sales to unrelated purchasers in the United States would be terminated and not resumed.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

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

[F.R. Doc. 69-10297; Filed, Aug. 27, 1969;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21228]

AMERFORD INTERNATIONAL CORP.
ET AL.

Notice of Proposed Approval

Application of Amerford International Corp., Trans-Global Freight, Inc., et al., for approval of control and interlocking relationships, Docket 21228.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 25, 1969.

[SEAL]

A. M. ANDREWS,

Director,

Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Amerford International Corp., Trans-Global Freight, Inc., and Joseph Horngrad request approval, without a hearing, pursuant to section 408 of the Federal Aviation Act of 1958, as amended; Docket 21228.

By application filed July 24, 1969, as amended August 14, 1969, Amerford International Corp. (Amerford), Trans-Global Freight, Inc. (Trans-Global), and Mr. Joseph Horngrad request approval, without a hearing, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the acquisition of Trans-Global by Amerford. Approval is also requested pursuant to section 409 of the Act of any interlocking relationships which are not exempt by virtue of Part 287 of the Board's economic regulations. Both Amerford and Trans-Global are New York corporations holding domestic and international air freight forwarder authority from the Board. In addition, both corporations hold Federal Maritime Commission (FMC) authorizations as independent ocean freight forwarders.¹ Both corporations also act as IATA approved cargo sales agents.

The proposed acquisition is to be accomplished pursuant to an agreement dated June 20, 1969, between Amerford, Trans-Global, and Mr. Horngrad providing for the sale, by Mr. Horngrad, of all the outstanding capital stock of Trans-Global to Amerford.² Under the agreement, Amerford will acquire the common stock of Trans-Global in exchange for \$60,000 and 10,000 shares of Amerford.³ Upon consummation of the transaction, Trans-Global will surrender its operating authorizations to the Board for cancellation. Thereafter, Trans-Global will continue to do business as an IATA cargo sales agent

and as an independent ocean freight forwarder.

The agreement also provides that, at closing, all of the officers and directors of Trans-Global will submit their resignations. However, Mr. Horngrad, the president and a director of Trans-Global, if elected, has agreed to serve as a director of Amerford for a period of 1 year. The application recites that Amerford plans to elect officers and directors for Trans-Global who will be essentially the same persons as the present officers and directors of Amerford.

No comments on the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the transaction described in the application, as amended, involves the acquisition by an air carrier (Amerford) of control of another air carrier (Trans-Global) within the meaning of section 408 of the Act. It is further concluded that upon consummation of the transaction, and surrender of Trans-Global's operating authorizations, Amerford, by reason of Trans-Global's IATA agency activities, will control a person engaged in a phase of aeronautics. However, it is further concluded that such acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing.

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will result from the transaction described herein. However, upon approval of the acquisition, such relationships apparently would come within the scope of the exemption from section 409 afforded by § 287.2 of the Board's economic regulations. Thus, we shall dismiss the application to the extent that it requests approval of such relationships.

In 1967, Amerford's international air freight forwarding revenues amounted to \$1,837,086, and accounted for slightly more than 2.5 percent of the industry total for such revenues, ranking it eighth among international air freight forwarders for that period. Although the combined Amerford-Trans-Global international revenues for 1968 were in excess of \$4.2 million, it does not appear that the combined international revenues of the two forwarders would increase Amerford's share of the international market to a point which would involve any serious question of monopoly or restraint of competition in the international field. Amerford's domestic operations apparently did not begin until the second half of 1968, and amounted to only \$111,602. Considering Trans-Global's domestic revenues for 1968 of \$369,728, it appears that the acquisition will not have any significant effect on competition in the domestic air freight forwarding industry.⁴

The application is similar to others which have been approved by the Board and essen-

tially does not present any new substantive issues not heretofore considered by the Board.⁵ The transaction should provide improved service to the present customers served by both Amerford and Trans-Global. It therefore appears that approval of the application would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the acquisition of control of Trans-Global by Amerford be and it hereby is approved;

2. That the air freight forwarding operating authorizations currently held by Trans-Global be surrendered to the Board within 10 days of the date of consummation of the subject acquisition; and

3. That, except to the extent granted herein, the application in Docket 21228 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL]

HAROLD R. SANDERSON,

Secretary.

[F.R. Doc. 69-10309; Filed, Aug. 27, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

TERMINAL OPERATORS, INC.

Notice of Agreement Filed for
Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the 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),

⁵ E.g., Airborne Freight Corp. and 4A Air Freight Corp., Order E-25887, Oct. 26, 1967; and Mark IV Air Freight, Inc., and Holahan Air Freight, Order E-26586, Mar. 27, 1968. Also see Jet Air Freight, et al., Order 69-1-64, Jan. 15, 1969.

¹ The FMC does not consider such forwarders to be common carriers.

² The agreement specifically states that its closing is subject to the prior and final approval of the Civil Aeronautics Board.

³ Amerford has a total of 108,500 shares of common stock issued and outstanding, 103,765 shares of which are owned by Messrs. Hector Garcia, Walter H. Marx, and Milton Gratt—each an officer and director of Amerford.

⁴ On the competitive issue, the application indicates that if the 1968 revenues of Amerford and Trans-Global are compared to the 1967 total for the industry, then Amerford would still only have 1.5 percent and Trans-Global 0.4 percent of such revenues. Industry total revenues for 1968 are not yet available.

and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Paul J. Whipple, President, Terminal Operators Inc., 64 Commercial Wharf, Boston, Mass.

Agreement No. FF 69-10 between Wiggin Terminals, Inc. (a public warehousing and marine terminal company), United Stevedoring Corp. (a stevedoring firm), and C. H. Powell Co., Inc. (an independent ocean freight forwarder, and customhouse broker), provides for the establishment of a new corporation—Terminal Operators Inc.

The new firm would offer complete shipping facilities including forwarding, marine terminal services, warehousing, stevedoring, and steamship agency service.

The stock of the new corporation is shared equally among the three parties to the agreement and the new firm will be operated as a separate entity.

Dated: August 25, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10310; Filed, Aug. 27, 1969;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-35]

CENTRAL ILLINOIS PUBLIC SERVICE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

AUGUST 21, 1969.

Take notice that on August 14, 1969, Central Illinois Public Service Co. (Applicant), Illinois Building, Springfield, Ill. 62701, filed in Docket No. CP70-35 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to establish a physical connection of its natural gas transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for the Village of Broughton and environs, Hamilton County, Ill.

Applicant estimates annual and peak day natural gas requirements to be 4,857 Mcf (annual) and 80 Mcf (peak day) the first year, and 14,886 Mcf (annual) and 224 Mcf (peak day) the fourth year. Applicant states further that presently there is no natural gas supply available to it for service to the Village of Broughton.

Applicant estimates the total cost of its proposed distribution facilities to be \$51,570.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10247; Filed, Aug. 27, 1969;
8:45 a.m.]

[Docket No. CP70-34]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 21, 1969.

Take notice that on August 13, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-34 an abbreviated application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the delivery of natural gas on an exchange basis to Pacific Gas Transmission Co. (PGT) for transmission and redelivery to Pacific Gas and Electric Co. (PG&E) for the limited term commencing no later than May 1, 1970 and continuing through no later than September 30, 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an Emergency Exchange Agreement dated July 22, 1969, with PGT and PG&E whereby PG&E is to direct PGT to deliver to Applicant near Stanfield, Oreg., up to 100,000 Mcf of natural gas per day commencing on or about November 1, 1969, and continuing through no later than April 30, 1970. Applicant states further that such deliveries by PGT to Applicant are to be made only after Applicant has scheduled full deliveries of natural gas available to its Northwest Division from all other sources.

Specifically, Applicant requests authorization to deliver to PGT at Stanfield, Oreg., during the above mentioned limited term, natural gas at the rate of 40,000 Mcf per day, or such other rates as may be agreed upon, until the total quantity of natural gas so delivered to PGT shall equal 150 percent of the quantity of natural gas previously received by Applicant under the above mentioned Emergency Exchange Agreement.

Applicant states that no new facilities are proposed to be constructed to carry out the above plan as existing facilities are adequate.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 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 pro-

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

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10248; Filed, Aug. 27, 1969;
8:45 a.m.]

[Docket No. CP70-37]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 21, 1969.

Take notice that on August 15, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-37 an abbreviated application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction of certain facilities to establish an emergency interconnection between the facilities of Applicant and Transwestern Pipeline Co. (Transwestern), and the operation thereof as necessary, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant and Transwestern have entered into a Letter Agreement dated May 19, 1969, under which the parties have agreed to construct necessary facilities to interconnect their respective systems at a point in Ward County, Tex. Such interconnection is designed to facilitate emergency deliveries by either party to the other as may be dictated by future circumstances.

Specifically, Applicant, in conjunction with Transwestern, proposes to install at their sole cost and expense, a pipeline tap and side valve on their respective pipelines at a point where such pipelines in-

tersect in Ward County, Tex. Also Applicant proposes to construct dual flow measurement facilities interconnecting such pipelines. The application states that these measurement facilities are to be owned solely by Applicant and that Transwestern is to reimburse Applicant for one-half (1/2) of the cost of construction and one-half (1/2) of the expenses of any major repairs or replacement of such measurement facilities.

Applicant estimates its portion of an estimated total project cost of \$33,400 to be \$20,280. Applicant states that this cost is to be paid out of working funds and supplemented as necessary by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10249; Filed, Aug. 27, 1969;
8:45 a.m.]

[Docket No. CP69-117, etc.]

FLORIDA GAS TRANSMISSION CO. AND CENTRAL FLORIDA GAS CORP.

Notice of Postponement of Hearing

AUGUST 22, 1969.

Florida Gas Transmission Co., CP69-117; CP69-280; Central Florida Gas Corp., Applicant, Florida Gas Transmission Co., Respondent, CP69-181.

Upon consideration of the motion filed on August 15, 1969, by counsel for Gainesville Utilities Department and City of Gainesville, Fla., for an extension of time within which to file rebuttal evidence and postponement of the hearing presently scheduled to commence on September 3, 1969;

Notice is hereby given that the hearing is postponed to September 30, 1969; rebuttal evidence may be filed on or before September 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10250; Filed, Aug. 27, 1969;
8:45 a.m.]

[Docket No. RI70-142 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

AUGUST 22, 1969.

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

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

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

The Commission orders:

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

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

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

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

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

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI70-142...	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attention: Mr. A. M. Mousser.	174	1	Michigan Wisconsin Pipe Line Co. (Block 208 Field, Eugene Island Area, Off-shore Louisiana).	\$334	7-30-69	8-30-69	8-31-69	18.5	20.0	
	do.	175	1	Michigan Wisconsin Pipe Line Co. (Block 206 Field, Ship Shoal Area, Off-shore Louisiana).	1,350	7-30-69	8-30-69	8-31-69	18.5	20.0	
RI70-143...	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120, Attention: Homer E. McEwen, Jr., Esq.	296	1	Transcontinental Gas Pipe Line Co. (Block 233 Field, Ship Shoal Area, Off-shore Louisiana).	(u)	7-30-69	8-30-69	8-31-69	18.5	20.0	

¹ The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.

² The suspension period is limited to 1 day.

³ Contract dated Oct. 11, 1968.

⁴ Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A issued Mar. 30, 1969.

⁵ Pressure base is 15.025 p.s.i.a.

⁶ Subject to quality adjustments.

⁷ Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.

⁸ Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69-441.

⁹ Contract dated Apr. 9, 1969.

¹⁰ Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69-1026.

¹¹ Contract dated Mar. 14, 1969.

¹² No production or sale of gas well gas at present.

¹³ Initial rate as conditioned by temporary certificate issued Apr. 24, 1969, in Docket No. CI69-882.

¹⁴ The stated effective date is the first day after expiration of the statutory notice.

[Docket No. RI69-600]

GULF OIL CORP.

Order Accepting Decreased Rate Filing Subject To Refund in Existing Rate Suspension Proceeding

AUGUST 22, 1969.

Gulf Oil Corp. (Gulf) has filed an amendment to an existing suspended rate increase to reflect the placing into effect of a lower rate than that presently suspended. The subject rate is for sales of natural gas to Transwestern Pipeline Co. in Texas Railroad District No. 8 (Permian Basin Area) and was previously suspended, among others, by the Commission's order issued March 7, 1969, in Docket No. RI69-600. The proposed rate decrease is set forth in Appendix "A" hereof. In its motion filed concurrently with the amended rate change, Gulf proposes to place into effect the reduced rate as of August 13, 1969, the date of termination of the suspension period for the original filing.¹

Gulf had previously filed an increase from the applicable area ceiling rate of 15.39 cents to 18.60 cents per Mcf (17.5-cent base rate plus upward B.t.u. adjustment less treating costs) which was suspended in Docket No. RI69-600 until August 13, 1969. Gulf now proposes to

substitute the reduced rate of 17.39 cents per Mcf for the originally proposed rate of 18.60 cents per Mcf. The original rate change amounted to an estimated annual increase of \$16,050, where as the substitute lower rate being placed into effect subject to refund will amount to \$10,200 annually or represent an annual difference of \$5,850.

Gulf's proposed rate decrease exceeds the applicable area rate prescribed in Opinion No. 468, as amended, as did the previously suspended rate in said docket. In view of the above, we believe that it would be in the public interest to accept for filing Gulf's proposed rate decrease effective as of August 13, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI69-600.

The Commission finds: Good cause exists for accepting for filing Gulf's proposed rate decrease, as set forth in Appendix A hereof, effective as of August 13, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI69-600.

The Commission orders: The proposed rate decrease contained in Appendix A hereof, is accepted for filing and permitted to become effective as of August 13, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI69-600.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

These three proposed rate increases, from 18.5 cents to 20 cents per Mcf, involve sales of third vintage gas well gas in offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth below authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustment).² Deliveries of gas have not as yet commenced under the proposed sales by Getty Oil Co. (Getty).

Consistent with previous Commission action on similar rate filings, we conclude that Getty's proposed rate increases should be suspended for 1 day from August 30, 1969, the expiration date of the statutory notice, or for 1 day from the date of initial delivery, whichever is later, and the rate increase filed by Sun Oil Co.—DX Division (Sun) should be suspended for 1 day from August 30, 1969, the date of expiration of the statutory notice. Thereafter, Getty and Sun's proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding in Docket No. AR69-1.

[F.R. Doc. 69-10244; Filed, Aug. 27, 1969; 8:45 a.m.]

¹ Dockets Nos. CI69-441 and CI69-1026, Getty Oil Co. Docket No. CI69-882, Sun Oil Co.—DX Division.

² Gulf has filed an acceptable general undertaking as provided in Order No. 377.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed decreased rate	
RI60-600...	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	376	1 to 5	Transwestern Pipeline Co. (Worham Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	\$10,200	7-28-69	*8-13-69		15.39	**17.30	

* Filing to be substituted for filing of Feb. 10, 1969, which was suspended in Docket No. RI69-600 until Aug. 13, 1969.

** Pertains to casinghead gas only.

* The stated effective date is the date of termination of the suspension period for the original filing.

* Increase from applicable area ceiling rate to fractured rate. Respondent contractually due a rate of 17.5 cents per Mcf, plus upward B.I.U. adjustment.

* Pressure base is 14.65 p.s.i.a.

[P.R. Doc. 69-10245; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. RI70-140, etc.]

McCARRICK, GOUGER & MITCHELL ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

AUGUST 21, 1969.

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

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

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

The Commission orders:

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

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

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

contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.²

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 8, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI70-140...	McCarrick, Gouger & Mitchell et al., D-219 Petroleum Center, San Antonio, Tex. 78209.	5	3	Coastal States Gas Producing Co. ³ (Northwest Orange Grove Field, Jim Wells County, Tex.) (RR. District No. 4).	\$2,538	7-25-69	*9-1-69	*9-2-69	12.0	*13.0	RI62-343.
RI70-141...	Charles N. Prothro, d.b.a., Perkins-Prothro Co. (Operator) et al., Post Office Box 2099, Wichita Falls, Tex. 76307.	1	1	Phillips Petroleum Co. (Panhandle Field, Carson and Hutchinson Counties, Tex.) (RR. District No. 10).	2,300	7-14-69	*9-1-69	*9-2-69	*12.0	*13.0	

¹ Resells subject gas to Natural Gas Pipeline Company of America under Coastal's FPC Gas Rate Schedule No. 55 at a rate of 14.5 cents which is in effect subject to refund in Docket No. G-19038.

* The stated effective date is the effective date requested by Respondent.

² The suspension period is limited to 1 day.

³ Periodic rate increase.

* Pressure base is 14.65 p.s.i.a.

⁴ Subject to a deduction of 0.5 cent for sour gas.

McCarrick, Gouger & Mitchell et al. (McCarrick), proposes a periodic increase from 12 cents to 13 cents per Mcf for a sale of gas to Coastal States Gas Producing Co. (Coastal) in Texas Railroad District No. 4. Coastal gathers and resells the gas to Natural Gas Pipeline Company of America at a rate of 14.5 cents which is in effect subject to refund. Coastal is contractually due a related increase from 14.5 cents to

15.5 cents per Mcf but has not, as yet, filed for same. McCarrick requests that its increase be accepted as it is below the increased rate ceiling or, if suspended, the suspension period be limited to 1 day. Although McCarrick's proposed rate increase to 13 cents per Mcf does not exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No.

61-1, as amended, it should be suspended because such ceiling is applicable to Coastal's resale rate, not to McCarrick's rate. In view of the action taken by us in an order issued May 12, 1969, in Mobil Oil Corp., Docket No. RI69-539, involving another sale to Coastal from the Texas Gulf Coast Area at a proposed rate which was below the increased rate ceiling, we believe it appropriate here to suspend

McCarriek's rate for 1 day from September 1, 1969, the proposed effective date.

Charles N. Prothro, doing business as Perkins-Prothro Co. (Operator) et al. (Prothro), proposes an increase from 12 cents to 13 cents per Mcf for a wellhead sale of gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. The area increased rate ceiling is 11 cents per Mcf. Phillips gathers and processes the gas and resells the gas to interstate pipeline companies at rates which are in effect subject to refund. Prothro's proposed 13-cent rate exceeds the area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Prothro's rate increase should be suspended for 1 day from September 1, 1969, the proposed effective date.

[F.R. Doc. 69-10246; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. CP70-29]

MISSOURI EDISON CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application; Correction

AUGUST 21, 1969.

In the notice of application issued August 13, 1969, and published in the FEDERAL REGISTER August 20, 1969 (34 F.R. 13440), in paragraph 2, line 4: Change "3,693,000 Mcf, respectively" to "3,693,000 Mcf and 13,500 Mcf, respectively."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10252; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. CP70-36]

NATIONAL CHEMICAL CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application

AUGUST 22, 1969.

Take notice that on August 15, 1969, The National Chemical Corp. (Applicant), a Kentucky corporation, 237 South Fifth Street, Louisville, Ky. 40202, filed in Docket No. CP70-36 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Respondent) to establish a physical connection of its transmission facilities with the facilities of Applicant and to sell and deliver to Applicant 120,000 Mcf of natural gas at 14.73 p.s.i.a. on an interruptible basis for distribution and sale to ultimate customers in the city of Drakesboro and environs, 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 cities and communities of Belton, Beechmont, Beech Creek, Browder, Drakesboro, and environs, have been served with local natural gas production from the Penrod East Gas Field located in Muhlenberg County, Ky., since October 1967. Applicant states further that the pressure on the Penrod East Gas Field is declining

slowly and that the Kentucky Public Service Commission has directed Applicant to obtain a pipeline connection for a supply of natural gas from Respondent on an interruptible basis to assure that the citizens of these communities will not be without natural gas service when the Penrod East Gas Field is depleted.

Applicant states that there will be a maximum daily delivery of 1,500 Mcf of natural gas and estimated annual deliveries of 86,720 Mcf, 95,748 Mcf, and 102,737 Mcf of natural gas for the first 3 years in that order. Also, Applicant states that no additional pipeline facilities will be required of it but that it will be required to construct a regulator station at an estimated cost of \$10,000, which cost Applicant states it will finance through the wholesale of natural gas to the city of Drakesboro and the other above-named communities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 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 there-in must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10251; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. RI69-730]

E. A. OBERING ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 21, 1969.

E. A. Obering by letter filed July 7, 1969, has submitted a correction to a notice of change in rate filed April 9, 1969, to reflect the proper contractual effective date for the rate increase proposed. Such notice of change, designated as Supplement No. 3 to E. A. Obering (Operator), et al. (Obering), FPC Gas Rate Schedule No. 1, was suspended by order issued May 7, 1969, in Docket No. RI69-730, for 5 months from the expiration of the statutory notice period until October 10, 1969, or until made effective in accordance with section 4(e) of the Natural Gas Act. The sale is to Michigan Wisconsin Pipe Line Co. from the Laverse Field, Harper County, Okla.

Obering states in its July 7 letter that the correct effective date under its contract for the proposed increase is October 5, 1969, rather than the earlier date sought in its original filing. Obering indicates that the error came about through a misunderstanding as to the

date of initial delivery under the contract. In these circumstances, we conclude that it would be in the public interest to waive the provisions of § 154.94 (b) of the Commission's regulations under the Natural Gas Act with respect to Obering's prematurely filed rate change, and to accept Obering's corrective letter as a part of the above notice of change in rate. We shall also amend the suspension order issued May 7, 1969, in Docket No. RI69-730 to suspend the subject notice of change (Supplement No. 3 to Obering's FPC Gas Rate Schedule No. 1) for 5 months from October 5, 1969, until March 5, 1970.

The Commission orders:

(A) The suspension order issued May 7, 1969, in Docket No. RI69-730, is amended to suspend the proposed rate contained in Supplement No. 3 to Obering's FPC Gas Rate Schedule No. 1 for 5 months from October 5, 1969, until March 5, 1970, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

(B) In all other respects the order issued by the Commission on May 7, 1969, in Docket No. RI69-730, shall remain unchanged and in full force and effect.

By the Commission,¹

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-10253; Filed, Aug. 27, 1969; 8:45 a.m.]

[Docket No. RP69-27]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 22, 1969.

Take notice that Transwestern Pipeline Co. (Transwestern) on August 18, 1969, filed a petition to amend the Commission's order issued May 9, 1969, in the above-captioned proceeding. Under the terms of that order, Transwestern was authorized to file, from time to time until December 31, 1969, revised tariff sheets reflecting increases or decreases in the cost of gas purchased by Transwestern, up to an aggregate net increase in jurisdictional rates of 1.45 cents per Mcf. Transwestern requests that the May 9, 1969, order be amended to permit the filing of revised tariff sheets, as authorized therein, up to a net aggregate increase of 1.84 cents per Mcf, rather than 1.45 cents per Mcf as now provided by that order. In addition to increases previously authorized, the requested amendment would permit Transwestern to increase its charges for jurisdictional sales by approximately \$1,049,899 annually, based on sales volumes during the 12-month period ended June 30, 1969.

In support of its request, Transwestern states that it has filed tracking increases pursuant to the Commission's May 9, 1969, order totaling 0.96 cent per Mcf, and that there are now pending

¹ This order was adopted before Chairman White left the Commission.

producer rate increase filings which would further increase Transwestern's cost of purchased gas by approximately \$2,372,744 annually, or 0.88 cent per Mcf.

Copies of the filing were served on all parties to the above-captioned proceeding.

Any person desiring to be heard or to make a protest with reference to said application should on or before September 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein, other than persons who have heretofore been permitted to intervene in the above-captioned proceeding, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10242; Filed, Aug. 27, 1969;
8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temp.
Reg. G-5]

SECRETARY OF DEFENSE Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the civilian executive agencies before the Interstate Commerce Commission in a proceeding involving freight classification specifications.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the civilian executive agencies before the Interstate Commerce Commission in a proceeding involving increases in weights of fibreboard packaging materials proposed by the Uniform Classification Committee to become effective August 28, 1969.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further,

shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 22, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.
[F.R. Doc. 69-10311; Filed, Aug. 27, 1969;
8:49 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS CALIFORNIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on August 15, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of Kings County of the State of California, adversely affected by flooding beginning on or about March 11, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in the affected areas.

Dated: August 21, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.
[F.R. Doc. 69-10263; Filed, Aug. 27, 1969;
8:46 a.m.]

LOUISIANA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on August 19, 1969 the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Louisiana adversely affected by Hurricane Camille beginning on or about August 17, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Louisiana.

I do hereby determine the following areas of the State of Louisiana to have been adversely affected by the catastrophe declared a major disaster by the

President in his declaration of August 19, 1969:

The parishes of:
Plaquemines. St. Tammany.
St. Bernard. Washington.

Dated: August 21, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.
[F.R. Doc. 69-10264; Filed, Aug. 27, 1969;
8:46 a.m.]

MISSISSIPPI

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on August 18, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Mississippi adversely affected by Hurricane Camille beginning on or about August 17, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Mississippi.

I do hereby determine the following areas in the State of Mississippi to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 18, 1969:

The counties of:

Amite.	Lincoln.
Copiah.	Marion.
Covington.	Pearl River.
Forrest.	Perry.
George.	Pike.
Greene.	Rankin.
Hancock.	Simpson.
Harrison.	Smith.
Jackson.	Stone.
Jefferson Davis.	Walthall.
Lamar.	Wayne.
Lawrence.	Wilkinson.

Dated: August 21, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.
[F.R. Doc. 69-10265; Filed, Aug. 27, 1969;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

AUGUST 22, 1969.

The capital stock (66 $\frac{2}{3}$ cents par value) and the 5% percent convertible subordinated debentures due 1969 of

BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to section 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 23, 1969, through September 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-10258; Filed, Aug. 27, 1969;
8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

AUGUST 22, 1969.

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

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 23, 1969, through September 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-10259; Filed, Aug. 27, 1969;
8:46 a.m.]

[812-2540]

FIFTH AVENUE COACH LINES, INC.

Notice of Filing of Application for Order Exempting Proposed Transactions

AUGUST 22, 1969.

Notice is hereby given that Fifth Avenue Coach Lines, Inc. ("Fifth"), 132 Nassau Street, New York, N.Y., a New York corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed

an application pursuant to sections 17(b) and 23(c) (3) of the Act and Rule 23c-1 thereunder with respect to certain proposed foreclosure actions and purchases by Fifth of certain assets, including shares of Fifth, held by Fifth as security for debts owed to Fifth by Gray Line Corp. ("Gray Line"). The application requests an order pursuant to section 17(b) of the Act exempting from the provisions of 17(a) (1) and (2) the foreclosure and purchase by Fifth of 26,280 shares of common stock of Gateway National Bank ("Gateway") pledged to Fifth by Gray Line. The application also requests an order pursuant to sections 17(b) and 23(c) (3) and Rule 23c-1 thereunder, of the Act exempting from the provisions of sections 17(a) (2) and 23(a) the foreclosure and purchase by Fifth of 181,102 shares of common stock of Fifth pledged to Fifth by Gray Line. All persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

On August 12, 1968, a judgment of the U.S. District Court for the Southern District of New York issued appointing S. Hazard Gillespie, Esq., as Trustee-Receiver ("Trustee") of Fifth and ordering the Trustee to register Fifth as an investment company. Pursuant to the court order, Fifth was registered as an investment company on October 2, 1968. The judgment and order issued pursuant to an earlier opinion of the court reported in *Securities and Exchange Commission v. Fifth Avenue Coach Lines, Inc.*, et al. 289 F. Supp. 3 (SDNY 1968), finding that Fifth had been illegally operating as an unregistered investment company since June 30, 1967.

On March 13, 1969, the same court authorized the trustee to take such steps as are necessary to establish Fifth's ownership of 26,280 shares of common stock of Gateway sold to Gray Line by Fifth and to effect foreclosure by Fifth on 181,102 shares of its own common stock pledged by Gray Line as collateral for advances made by Fifth to Gray Line.

The trustee has determined, to foreclose and purchase at private sale all of the Fifth shares and Gateway shares Fifth holds as security for loans and advances to Gray Line. The Fifth shares thereafter will be canceled as required by the New York Business Corporation Law. The Gateway shares thereafter either will be retained by Fifth or sold by Fifth if an advantageous offer for such shares is received by Fifth. At present, Fifth has not entered into any understanding or agreement to sell any of the Gateway shares.

The purchase price per share (to be applied by Fifth against the outstanding indebtedness due to Fifth from Gray Line) will be the respective averages of the high bid and low asked prices, as reported by the National Quotation Bureau preceding the respective dates upon which the Fifth shares and Gateway shares are purchased by Fifth.

Gray Line and Fifth are affiliated persons of each other because of Gray Line's ownership of 24.3 percent of the common stock of Fifth and the ownership of

37.24 percent of the stock of Gray Line by Surface Transit Inc., a wholly owned subsidiary of Fifth. Gateway and Gray Line are affiliated persons at each other because Gray Line owns 65 percent of Gateway. Fifth and BSF Co. ("BSF"), a management, closed-end, nondiversified investment company, appear to be affiliated persons with each other by reason of BSF's ownership of 9.1 percent of the outstanding common stock of Fifth. BSF and Gray Line are affiliated persons of each other and BSF is also deemed to control Gray Line by reason of BSF's ownership of 27 percent of the outstanding common stock of Gray Line.

Insofar as it is applicable here, section 17(a) (1) of the Act prohibits an affiliated person of a registered investment company from selling securities to the investment company. Section 17(a) (2) prohibits an affiliated person of a registered investment company from purchasing any securities from the investment company or any company controlled by the investment company. Section 17(a) (1) therefore, may prohibit Gray Line, an affiliated person of Fifth from selling the Gateway stock to Fifth at the foreclosure sale. Section 17(a) (2) appears to prohibit Fifth, an affiliated person of BSF, from purchasing the Gateway and Fifth stock from Gray Line, a company controlled by BSF.

Section 17(b) of the Act provides that the Commission shall on application exempt any transaction from the provisions of section 17(a) if evidence establishes that:

(1) The term of the proposed transaction including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) The proposed transaction is consistent with the policy of each registered investment company concerned, as listed in its registration statements and reports filed under the Act; and

(3) The proposed transaction is consistent with the general purposes of the Act.

Section 23(c) of the Act, prohibits registered closed-end investment companies such as Fifth from purchasing securities it has issued except on a securities exchange, pursuant to tenders or under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

The trustee, acting for Fifth, represents that the proposed purchases by Fifth at private foreclosure sales are reasonable and fair and do not involve overreaching on the part of any party; that the transactions are consistent with Fifth's investment policies and consistent with the general purposes and provisions of the Act. The trustee also represents that the purchase by Fifth of its own stock at a private foreclosure sale does not unfairly discriminate against any holders of the class of secu-

rities to be purchased and therefore meets the requirements for order of exemption from section 23(c) of the Act.

The trustee also states:

On information and belief, the proposed foreclosures and purchases by Fifth do not violate the policies of BSF as set forth in Items 4 and 5 of the Registration Statement on Form N-8B-1, as amended, of BSF on file with the Securities and Exchange Commission.

The trustee also represents that the purchase by Fifth of its own stock would further the purposes of the Act since it would have the effect of reducing and substantially eliminating the cross and circular ownership between Fifth, Surface Transit, Inc., and Gray Line which appears to be prohibited by section 20(d) of the Act and the outstanding indebtedness of Gray Line to Fifth which appears to be prohibited by section 21(b) of the Act.

Notice is further given that any interested person may, not later than September 8, 1969 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Fifth at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

It is ordered, That Secretary of the Commission shall send a copy of this notice by certified mail to Gray Line Corp., 111 West Washington Street, Chicago, Ill. 60602, and Gateway National Bank, 7859 Stony Island Avenue, Chicago, Ill. 60649, and B. S. F. Corp., c/o William Prickett, Esq., Receiver Pendente Lite, Post Office Box 1328, Wilmington, Del. 19899.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-10256; Filed, Aug. 27, 1969;
8:45 a.m.]

[812-2580]

ITT VARIABLE ANNUITY INSURANCE COMPANY SEPARATE ACCOUNT

Notice of Application

AUGUST 22, 1969.

Notice is hereby given that ITT Variable Annuity Insurance Co. ("Insurance Company") and ITT Variable Annuity Insurance Company Separate Account ("Separate Account") (hereinafter "Applicants"), 777 Grant Street, Denver, Colo. 80217, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 22(d) of the Act. Separate Account has been established for the purpose of maintaining assets accruing from the sale of individual and group variable annuity contracts provided by Insurance Company. Separate Account is an open-end diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

In connection with the sale of variable annuity contracts, charges for payments are deducted in order to cover sales (and administrative) expenses. Applicants seek exemption from section 22(d) to permit the offering and sale of (1) individual payment deferred annuity contracts and (2) group annuity contracts containing provisions as hereinafter described. The purchaser ("contract owner") of either contract may elect that his purchase payments, after deduction of sales and administrative charges, be maintained in Separate Account. In the alternative, the contract owner may elect that all or any portion of his purchase payments, after applicable deductions, be allocated to Insurance Company to provide a fixed return during the annuity payment period.

Applicants propose: (a) To permit the contract owner, both during the accumulation period and at the commencement of the annuity payment period to transfer funds between Separate Account and Insurance Company without the necessity of additional sales charges and (b) to permit the beneficiary of the funds held in a deceased contract owner's account to elect an annuity, the funds for which may be transferred to or maintained in either Separate Account or Insurance Company (regardless of whether the funds were in Separate Account or Insurance Company as of the death of the contract owner) without the neces-

sity of the beneficiary being required to pay additional sales charges. Transfers of funds during the accumulation period from a fixed to a variable annuity contract are limited to one per year.

In addition, Applicants propose to permit the owner of an ITT Hamilton Life Insurance Co. ("ITT Hamilton") life insurance contract who surrenders his policy, or any beneficiary of such a policy, to invest the proceeds therefrom in an individual variable annuity contract without paying additional sales charges. The application states that ITT Hamilton owns 80 percent of the issued and outstanding shares of common stock of Insurance Company.

Applicants assert that the proposed elimination of such charges is justified in as much as deductions from purchase payments under the annuity contracts, whether such payments are allocated to Separate Account or Insurance Company, are identical. In addition under an ITT Hamilton insurance contract sales charges will have been paid throughout the life of such contract.

Applicants also assert that the elimination of additional charges is in the interest of investors and the public; that no unfair discrimination between contract owners participating in Separate Account would result therefrom; and that such elimination of charges would be consistent with the policies of the Act.

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

Notice is further given that any interested person may, not later than September 11, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis

of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-10262; Filed, Aug. 27, 1969;
8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

AUGUST 22, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1969, through September 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-10260; Filed, Aug. 27, 1969;
8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

AUGUST 22, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 23, 1969, through September 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-10261; Filed, Aug. 27, 1969;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 735]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Virginia;

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

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

Now, therefore, as Acting Associate 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 all areas affected or to be affected in the aforesaid State, suffered damage or destruction resulting from floods beginning on or about August 20, 1969, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, Federal Building, Room 3015, 400 North Eighth Street, Richmond, Va. 23240.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 21, 1969.

ANTHONY S. STASIO,
Acting Associate Administrator
for Financial Assistance.

[P.R. Doc. 69-10286; Filed, Aug. 27, 1969;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1325]

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

AUGUST 22, 1969.

The following applications are governed by Special Rule 1.247¹ of the Com-

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

mission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

nate any restrictions which are not acceptable to the Commission.

No. MC 3252 (Sub-No. 61), filed August 1, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk, from Shaftsbury and Bennington, Vt., to points in Berkshire, Franklin, and Hampshire Counties, Mass.; (2) *Lime and limestone*, in bulk, from Winoski and Swanton, Vt., and the ports of entry on the international boundary line between the United States and Canada located in Vermont, New Hampshire, and Maine, to Jay, Maine; and (3) *Salt*, in bulk, from Searsport, Maine, to Orrington, Maine. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant has filed a petition to dismiss a portion of instant application (par. No. 3). If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 18738 (Sub-No. 38), filed August 4, 1969. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138 Street, Chicago, Ill. Applicant's representatives: Ferdinand Born and Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Danville and Decatur, Ill., to those cities, towns, and places in that portion of Michigan located on or east of U.S. Highway 27, and those cities, towns, and places on or south of Michigan Highway 46; and to Edon and Sidney, Ohio. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that the purpose of this application is to remove a gateway and seeking authority which would enable operations over a more direct route or routes. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 19105 (Sub-No. 24), filed August 1, 1969. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 3544, 301A Highway South, Wilson, N.C. 27894. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration and meat rails, from Wilson, N.C., to points in West Virginia and Washington, D.C. Note: Applicant

states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 22195 (Sub-No. 138), filed August 6, 1969. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Glenwood, Minn., to points in Minnesota, North Dakota, and South Dakota. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 22254 (Sub-No. 53), filed August 6, 1969. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. 60620. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and organs and piano and organ benches and accessories*, between points in the United States, including the District of Columbia. Note: Applicant states that no duplication authority is being sought. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 31389 (Sub-No. 111), filed August 7, 1969. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerney, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (with exceptions, those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between Lynchburg, Va., and Washington, D.C.: From Lynchburg over U.S. Highway 29 to Washington and return over the same route as an alternate route for operating convenience only, serving no intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 38320 (Sub-No. 14), filed July 29, 1969. Applicant: CENTRAL MOTOR EXPRESS, INC., Post Office Drawer C, Campbellsville, Ky. 42718. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those requiring

special equipment), between the plant-site of L. & W. Steel Co., at Springfield, Tenn., and points in Iowa, Kansas, Missouri, and Nebraska. Note: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 38435 (Sub-No. 5), filed June 25, 1969. Applicant: INTERURBAN AUTO FREIGHT COMPANY, INC., 523 Puyallup Avenue, Tacoma, Wash. 98421. Applicant's representative: George H. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*: (1) Between Tacoma and Longmire, Wash., from Tacoma over Washington Highway 7 to Elbe, thence over Washington Highway 706 to Longmire and return over the same route, serving all intermediate points, (2) between Tacoma and Ohanapecosh, Wash., from Tacoma over Washington Highway 7 to Morton and Kosmos, thence over Washington Highway 14 to Ohanapecosh, and return over the same route serving all intermediate points, and (3) between Tacoma and Mossyrock, Wash., from Tacoma over Washington Highway 7 to Morton, thence over Washington Highways 141 and 14 to Mossyrock, and return over the same route serving all intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Morton, Wash.

No. MC 51146 (Sub-No. 144), filed July 28, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products* as defined in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Wisconsin, Illinois, Indiana, Ohio, and Michigan. Note: Common control may be involved. Applicant states that the above sought authority could be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 145), filed July 28, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper*

products; sanitary paper and paper products joined or combined with paper, plastics, synthetics, or cloth; materials, equipment supplies used or useful in the production, manufacture and distribution of the above described commodities; and related premium and advertising materials when shipped with the above described commodities. Between the plantsite of Charmin Paper Products Co., located at or near Neely's Landing, Mo., and points in the States of Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. **NOTE:** Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. All such authority shall be eliminated. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 664), filed July 22, 1969. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bleberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Communication shelters* (except mobile homes), equipped or unequipped with communication equipment, ground support equipment to mobilize shelters such as dollies, mobilizer transporters, and demountable running gear; (2) *trucks, tractors, and truck chassis*, in secondary movements in truckaway service; (3) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), and containers, empty or when loaded with general commodities (except explosives and other dangerous articles, household goods and commodities in bulk), and (4) *supplies and parts of commodities* described in (1), (2), and (3) above, when moving on the same shipment with commodities described in (1), (2), and (3) above, from points in the United States including the District of Columbia (except points in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). Restrictions: (a) Authority sought to be restricted against the transportation of commodities which require the use of special equipment for transportation. (b) Authority sought herein is restricted to traffic moving (1) on Government bills of lading, and (2) on Commercial bills of lading containing an endorsement approved in interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, 322 ICC 161. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 57880 (Sub-No. 11), filed August 1, 1969. Applicant: ASHTON TRUCKING CO., a corporation, 1201 North Broadway, Monte Vista, Colo. 81144. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*; (1) between points in Garfield and Mesa Counties, Colo., and (2) from points in Garfield and Mesa Counties, Colo., to points in New Mexico and Wyoming. **NOTE:** Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 62538, therefore, dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59856 (Sub-No. 34), filed August 7, 1969. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. 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, livestock, commodities in bulk, and those requiring special equipment), serving Shirley Basin, Wyo., as an off-route point in connection with carrier's regular route operations between Casper and Medicine Bow, Wyo., as authorized in MC 59856 Sub-No. 26. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Cheyenne or Casper, Wyo.

No. MC 61592 (Sub-No. 144), filed August 4, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal windows, metal window sections and parts and fittings incidental to the erection and installation of such metal windows and metal window sections*, from Lancaster, Pa., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, and New York. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 69116 (Sub-No. 125), filed July 25, 1969. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting:

Gypsum and gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products and related materials, supplies and accessories incidental thereto, from the plantsite of the Celotex Corp., Marrero, La., to points in Missouri, Iowa, Minnesota, Wisconsin, Illinois, Kentucky, Indiana, Michigan, Ohio, West Virginia, New York, Pennsylvania, Maryland, Delaware, New Jersey, Virginia, Tennessee, and the District of Columbia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New Orleans, La.

No. MC 76264 (Sub-No. 23), filed July 28, 1969. Applicant: WEBB TRANSFER LINE, INC., Box 231, Shelbyville, Ky. 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of General Plywood Corp., at or near New Albany, Ind., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 117606, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 83217 (Sub-No. 44), filed July 23, 1969. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: William Boyd, 29 South La Salle Street, Chicago, Ill. 60603 and Henry J. Schuette, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, and coconuts*, and (2) *agricultural commodities* otherwise exempt, when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in Minnesota and North Dakota. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94201 (Sub-No. 73), filed July 30, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud

Avenue, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants and gaskets*, from the site of the plant and warehouse facilities of the Clow Corp., located near Lincoln, Talladega County, Ala., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia. **NOTE:** Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 94430 (Sub-No. 34), filed August 1, 1969. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Buffalo, N.Y., to points in that part of Ohio on and east of Interstate Highway 71, and that part of Pennsylvania on and west of a line commencing at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Interstate Highway 83, and thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 95084 (Sub-No. 75) filed July 28, 1969. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth P. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and farm machinery*; (2) *industrial, construction, excavating and material handling equipment*; (3) *attachments for the commodities described in (1) and (2) above*; and (4) *parts of the commodities described in (1), (2), and (3) above when moving in mixed loads with such commodities*, from Des Moines, Iowa, to points in Alabama, Colorado, Delaware, Florida, Georgia, Illinois on and west of U.S. Interstate Highway 57 and on and south of U.S. Highway 36, Kansas, Kentucky on and west of U.S. Highway 127, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania on and east of U.S. Interstate Highway 79, South Carolina, South Dakota, Tennessee, Virginia, West Virginia on and east of U.S. Highway 119, from

the West Virginia-Kentucky boundary line to its junction with U.S. Interstate Highway 77 and on and east of U.S. Interstate Highway 77 from said junction to the West Virginia-Ohio boundary line, Wisconsin, Wyoming, and the District of Columbia, restricted to shipments originating at the plant and warehouse sites of Ford Motor Co., and destined to points in the named States. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 95540 (Sub-No. 762), filed August 11, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, drugs, medicines, toilet preparations, animal food supplements and recovering materials and supplies used therewith, and advertising and display materials in vehicles equipped with mechanical refrigeration*, from points in Montgomery County, Pa.; Middlesex County, Conn.; points in Morris County, Middlesex County, Bergen County, and Union County, N.J.; points in Rockland County, N.Y., New York, N.Y., and New York commercial zone; and Philadelphia, Pa., and Philadelphia, Pa. commercial zone, to points in Arizona, Arkansas, California, Florida, Illinois, Iowa, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Seattle, Wash. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 96498 (Sub-No. 30), filed July 29, 1969. Applicant: BONIFIELD BROS., TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth, and materials, equipment and supplies used or useful in the production, manufacture and distribution of the above-described commodities; and related premium and advertising materials when shipped with the above-described commodities*, between the plantsite of the Charmin Paper Products Co., located at or near Neely's Landing, Mo., and Cape Girardeau, Mo.; from Cape Girardeau over U.S. Highway 61 to the junction of unnumbered Missouri Highway at Fruitland, Mo., thence over unnumbered Missouri Highway to the plantsite of the Charmin Paper Products Co., located at or near Neely's Landing, Mo., and re-

turn over the same routes, serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 103993 (Sub-No. 438) (Amendment), filed July 3, 1969. Published FEDERAL REGISTER issue of August 7, 1969, and republished as amended this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, and (2) *building sections, panels, materials, parts and accessories*, from the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone, as defined by the Commission, to points in the United States (excluding Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to delete the word "steel" from the commodity description in (1) above, thereby, broadening the scope of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 446), filed July 28, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles in initial movements*, from points in Moore County, N.C., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 106497 (Sub-No. 42), filed July 28, 1969. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: Tom B. Kretzinger, 450 Professional Building, Kansas City, Mo. 64106, and A. N. Jacobs, Post Office Box G, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and/or fluid coolers and parts thereof*, and (2) *materials and supplies used or useful in the construction and/or installation of the commodities described in (1) above*, from points in Johnson County, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania,

Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. **NOTE:** Applicant states it will tack with its MC 106497, Subs 4 and 35 where feasible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106715 (Sub-No. 8), filed July 31, 1969. Applicant: NATIONAL AEROSPACE FREIGHT LINES, INC., 1021 North State Street, Dover, Del. 19901. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight, and (2) *class A and B explosives*; (a) between military installations or Defense Department establishments in the States indicated in (b) below, and (b) between points in (a) above, on the one hand, and, on the other, points in California, Colorado, Illinois, Iowa, Nevada, Nebraska, Arizona, Utah, Idaho, Montana, New Mexico, Kansas, Oklahoma, Texas, Missouri, Kentucky, Indiana, Michigan, Ohio, Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Wyoming, and the District of Columbia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 377), filed July 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as above), also H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, in bulk and in containers, from West Memphis, Ark., to points in Alabama, Georgia, Kentucky, Mississippi and Tennessee. **NOTE:** Applicant states that it could tack in connection with its presently held authority, at points in Tennessee to provide through service in Florida and Louisiana. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Kansas City, Mo.

No. MC 107002 (Sub-No. 379), filed July 30, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as above), also H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in

bulk, in tank vehicles, from Lynn Park, Ala., to points in Kentucky. **NOTE:** Applicant states that it could tack in connection with its present authority at points in Mississippi to provide through service to points in Alabama. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 107496 (Sub-No. 737) (Amendment), filed July 2, 1969, published in the FEDERAL REGISTER issue of August 7, 1969, amended and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil and oil fats* in bulk, from Des Moines-West Des Moines, Iowa, to points in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, North Dakota, Tennessee, Texas, Washington, and Wisconsin; (2) *fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; and (3) *coal tar pitch emulsion and asphalt pavement surface sealer, coal tar base*, in bulk, from St. Louis, Mo., to points in Illinois, Wisconsin, Oklahoma, Iowa, Arkansas, Kansas, and Nebraska. **NOTE:** The purpose of this republication is to include Tennessee as a destination State in (1) above. Applicant asserts there is a possibility of tacking, but there is no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 738) (Amendment), filed July 3, 1969, published in the FEDERAL REGISTER issue of August 7, 1969, amended and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, from the storage terminal of American Oil Co. at or near Huntington, Ind., to points in Indiana, Illinois, Michigan (lower), and Ohio; and (2) *petroleum products*, in bulk, from Huntington, Ind., to points in Michigan and Ohio. **NOTE:** The purpose of this republication is to include Michigan as a destination State in (2) above. Applicant asserts that while it is possible to tack, there is no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 672), filed August 4, 1969. Applicant: REFRIG-

ERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Standard Foods, Inc., Louisville, Ky. to points in West Virginia, Illinois, Missouri, Indiana, Ohio, and Michigan. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 107515 (Sub-No. 673), filed August 7, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic material, liquid and film*, on sheeting other than cellulose, in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to points in Georgia, Florida, South Carolina, Tennessee, Virginia, New York, Ohio, and Maryland. **NOTE:** Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 107839 (Sub-No. 138), filed July 31, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in section A and C of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite, and storage facilities used by National Beef Packing Co. at/or near Liberal, Kans., to points in Florida, Alabama, Georgia, South Carolina, North Carolina, Louisiana, Mississippi, Virginia, and West Virginia restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 109849 (Sub-No. 1), filed August 7, 1969. Applicant: E. B. WILLARD, doing business as TEN SLEEP SERVICE CO., Post Office Box 1016, Worland, Wyo. 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between

Ten Sleep, Wyo., and Buffalo, Wyo.: From Ten Sleep over U.S. Highway 16 to Buffalo and return over the same route, serving all intermediate points and the off-route points of Girl Scout National Center West and Tyrell Ranger Station. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 110683 (Sub-No. 62), filed July 29, 1969. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerney, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, and coconuts* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203 (b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above, from Wilmington, Del., to points in Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Connecticut, Massachusetts, Rhode Island, Maryland, Pennsylvania, New York, and Delaware. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 63), filed August 6, 1969. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerney, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Glasgow, Ky., in connection with presently authorized regular route operations between Tompkinsville, Ky., and Louisville, Ky. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky., or Washington, D.C.

No. MC 111941 (Sub-No. 18), filed July 17, 1969. Applicant: PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel and materials, equipment, and supplies*, used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel from Detroit, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Minnesota, Missouri, Pennsylvania, Wisconsin,

and Tennessee, and (2) *materials, equipment and supplies* used in the manufacture, production, and processing of prefabricated steel from the destination points in (1) above to Detroit, Mich. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Indianapolis, Ind.

No. MC 112304 (Sub-No. 34), filed August 6, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Rock Falls and Sterling, Ill., to points in Alabama, Kentucky, Tennessee, New York, New Jersey, points in Missouri on and south of U.S. Highway 36, points in Indiana on and south of U.S. Highway 36, points in Michigan on and west of U.S. Highway 27 and points in Pennsylvania on and east of U.S. Highway 15. **NOTE:** Applicant states tacking is possible with "size or weight" authority in its MC 112304 (Sub-No. 1), however such tacking is not intended at this time. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113410 (Sub-No. 67), filed July 23, 1969. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the storage facilities of Farmers Union Central Exchange, Inc. at or near Glenwood, Minn., to points in South Dakota and North Dakota. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115162 (Sub-No. 177), filed July 28, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, from points in Lee County, Ala., to points in Erie County, N.Y.; Pulaski County, Ky.; Obion County, Tenn., and Wayne County, Mich. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 115162 (Sub-No. 178), filed July 28, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, insulating materials, roofing and roofing materials, urethane and urethane products and related materials, supplies and accessories* incidental thereto, from the plantsite of the Celotex Corp., Birmingham, Ala., to points in Mississippi, Kentucky, Tennessee, Georgia, and Louisiana. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Tampa, Fla.

No. MC 115162 (Sub-No. 179), filed July 30, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board and plywood*, from points in Greenwood County, S.C., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.; Atlanta, Ga.; or Washington, D.C.

No. MC 115162 (Sub-No. 180), filed July 30, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, pole pilings, posts, and composition board*, from points in Stone County, Miss., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.; or Atlanta, Ga.; or Washington, D.C.

No. MC 115162 (Sub-No. 181), filed August 7, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages or containers, from West Port Arthur, and Smith's Bluff, Tex., to points in Alabama, Kentucky, Mississippi, Tennessee, and Florida (on and west of U.S. Highway 319) and empty returned drums and containers, on return. **NOTE:** Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it

be held at New Orleans, La., or Washington, D.C.

No. MC 115331 (Sub-No. 273), filed August 4, 1969. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin and Illinois. Note: Applicant states that there are some possibilities of tacking, but applicant sees no practical or feasible tacking possibilities. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 116101 (Sub-No. 6), filed July 28, 1969. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Port Columbus Airport, Columbus, Ohio. Applicant's representative: James R. Stivers, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Mt. Vernon, Ohio, on the one hand, and, on the other, points in Kentucky and West Virginia. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118034 (Sub-No. 13), filed August 4, 1969. Applicant: MILLER TRUCK LINE, INC., 901 Northeast 28th Street, Fort Worth, Tex. 76106. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, fresh, and meats, fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., at or near Hereford, Tex., to points in Arkansas, Louisiana, Mississippi, Oklahoma, New Mexico, Texas, and Memphis, Tenn., restricted to traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destination points. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Fort Worth or Dallas, Tex.

No. MC 118959 (Sub-No. 49), filed August 1, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *cellulose materials and products; cellulose materials and products* joined to or combined with paper, plastics, synthetics, or cloth; sanitary

paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; materials, equipment, supplies used or useful in the production, manufacture and distribution of the above described commodities; and related premium and advertising materials when shipped with the above described commodities; between the plantsite of Charmin Paper Products Co., at or near Neely's Landing, Mo., on the one hand, and, on the other, points in Kansas, Iowa, Illinois, Indiana, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, New Mexico, Arizona, and California. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119531 (Sub-No. 121), filed August 4, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and metal containers and accessories* therefore, from Florence, Ky., to points in the States of Michigan, North Carolina, Ohio, Tennessee, and Wisconsin, and (2) *materials, equipment and supplies* used in the manufacture, sales and distribution of *paper and metal containers*, from points in the States of Michigan, North Carolina, Ohio, Illinois, Tennessee, and Wisconsin to Florence, Ky. Note: Applicant states possible tacking exists at Cleveland and Massillon, Ohio, to serve points in New York and Pennsylvania in its MC 119531 Sub-7 and Sub-28, however this possible extension not supported in instant application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119829 (Sub-No. 33), filed August 1, 1969. Applicant: F. J. EGNER & SON, a corporation, 3969 Congress Parkway, Post Office Box 216, West Richfield, Ohio 44286. Applicant's representative: John C. Bradley, 618 Perpetual Building, 1111 East Street NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Lorain, Ohio, to points in Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, Virginia, Georgia, North Carolina, Tennessee, New Jersey, Massachusetts, Rhode Island, New York, and California. Note: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant

requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 123407 (Sub-No. 56), filed August 4, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants and gaskets*, from the plantsite and warehouse facilities of the Clow Corp., located near Lincoln, Talladega County, Ala., to points in Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 123407 (Sub-No. 57), filed August 4, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum products, building materials, and insulating materials, and materials and accessories* used in the installation thereof, from Fort Dodge, Iowa, to points in Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Iowa. Note: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123407 (Sub-No. 58), filed August 7, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board and materials and accessories* used in the installation thereof, from Marrero, La., to points in Oklahoma, Texas, Arkansas, Tennessee, Kentucky, Mississippi, Alabama, Pennsylvania, West Virginia, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Louisiana, Delaware, and New York. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or New Orleans, La.

No. MC 123819 (Sub-No. 29), filed July 29, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster Street, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common

carrier, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Jonesboro, Ark., to points in Illinois, Indiana, Tennessee, Alabama, Georgia, Louisiana, Mississippi, Kentucky, Missouri, Texas, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124078 (Sub-No. 395), filed July 3, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Jefferson County, Ky., to points in Indiana and Ohio. NOTE: Applicant states the authority here sought may be joined with authority now held or sought at Louisville, Ky., to serve points in Indiana and Ohio. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124816 (Sub-No. 3), filed July 24, 1969. Applicant: N & N TRANSPORTATION CO., INC., 827 Ridgewood Avenue, North Brunswick, N.J. 08902. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal culvert pipe and conduit pipe, and accessories incidental to the installation thereof*, from points in South Brunswick Township, Middlesex County, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 116843 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 42), filed July 24, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Davenport, Iowa, to points in Nebraska and South Dakota on and east of U.S. Highway 281, and Sioux City, Iowa. NOTE: Applicant states it could tack or join with its presently held authority at Omaha, Nebr., or Sioux City, Iowa, and could serve the

entire States of Nebraska, South Dakota, Idaho, Montana, Wyoming, and two counties in Oregon. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, Omaha, Nebr., or Davenport, Iowa.

No. MC 127304 (Sub-No. 5), filed July 31, 1969. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North Street, Valley Center, Kans. 67147. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I, to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Illinois, Indiana, Michigan, Ohio, Kentucky, Virginia, and West Virginia restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127625 (Sub-No. 10), filed July 24, 1969. Applicant: SANTEE CEMENT CARRIERS, INC., Post Office Box 597, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between points in Orangeburg, Collinston, Richland, and Charleston Counties, S.C., and (2) between points in the counties in (1) above, on the one hand, and, on the other, points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada boundary line. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 127951 (Sub-No. 8), filed August 11, 1969. Applicant: SOUTHEASTERN CARRIERS, INC., 887 Northeast 145th Street, North Miami, Fla. 33161. Applicant's representative: Bernard C. Pestcoe, 708 City National Bank Building, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition floor covering and adhesives*, from Cincinnati, Ohio, and Tusculumbia, Ala., to points in Dade and Hillsborough Counties, Fla., under contract with Flamingo Wholesale Distributors, Inc.; (2) *Macaroni, noodles, spaghetti, vermicelli, canned products prepared with cheese or meat and sauce*

products, from Hackensack, N.J., to points in Florida, under contract with Butoni Food Products, Inc.; and (3) *Composition floor covering, carpet underlay, and adhesives*, from Brooklyn, N.Y., and Plainfield, N.J., to points in Citrus, Hernando, Pasco, Marion, Sumter, Lake, Orange, Seminole, and Volusia Counties, Fla., under contract with Knight and Wall Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 128131 (Sub-No. 3), filed August 4, 1969. Applicant: ROBERT R. GREENE, 433 Lewis Drive, Gallipolis, Ohio. Applicant's representatives: James R. Stiversen, 50 West Broad Street, Columbus, Ohio 43215 and R. William Jenkins, 504½ Second Street, Gallipolis, Ohio 45731. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime, limestone, blacktop, sand, and gravel*, between points in Noble and Washington Counties, Ohio, on the one hand, and on the other, points in Wood, Pleasants, Ritchie, Calhoun, Jackson, Wirt, and Roane Counties, W. Va. under contract with James Merry Stone Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128273 (Sub-No. 50), filed July 23, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Wagner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; materials, equipment, supplies used or useful in the production, manufacture and distribution of the above described commodities; and related premium and advertising materials* when shipped with the above described commodities, between the plantsite of the Charmin Paper Products Co., at or near Neely's Landing, Mo., and points in Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada, and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128771 (Sub-No. 1), filed August 5, 1969. Applicant: MOTLEY TRANSFER, INC., 205 North Green Street, Glasgow, Ky. 42141. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives, those of unusual value, livestock, household goods as defined by the Commission, commodities

in bulk, and those requiring special equipment), between Glasgow, Ky., on the one hand, and, on the other, points in Allen, Cumberland, Monroe, Barren, and Metcalfe Counties, Ky.; restricted to the transportation of traffic having an immediate prior or immediate subsequent movement by rail. If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky.

No. MC 129384 (Sub-No. 1) (Correction), filed June 2, 1969, published in the FEDERAL REGISTER issues of June 26, and July 25, 1969, and republished in part, as corrected this issue. Applicant: BETHANY EXPRESS, INC., 616 South 22d Street, Bethany, Mo. 64424. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. The purpose of this partial republication is to reflect the correct docket number as MC 129384 (Sub-No. 1), which was previously published as MC 129384. The rest of the application remains as published.

No. MC 129516 (Sub-No. 2), filed July 31, 1969. Applicant: PATTONS, INC., 14444 Sunset Highway, Bellevue, Wash. 98004. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Alfalfa pellets and alfalfa meal* in bulk and in sacks, from points in Skagit, Adams, and Grant Counties, Wash., to points in Multnomah County, Oreg.; (2) *feed ingredients* in sacks, from points in Multnomah County, Oreg., to points in Washington and (3) *commercial fertilizer* in sacks, from Oakland and Lathrop, Calif., to Seattle, Wash. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129801 (Sub-No. 1), filed August 7, 1969. Applicant: GAIL TRUCKING CO., INC., Verona, Pa. 15147. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Flavoring syrup, rubbing alcohol, turpentine, epsom salts, drugs, and such commodities as are manufactured, sold and distributed by drug and pharmaceutical companies and materials, equipment, and supplies used in the manufacture, sale and distribution of such commodities (except commodities in bulk), between points in the Borough of Plum, Allegheny County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; restricted to a transportation service to be performed, under a continuing contract or contracts with Mint Pak Corp., Pennex Products Co., Inc., Pennwest Pharmacal Corp., and Sacrinpak*

Corp., which are affiliated companies. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133219 (Sub-No. 6), filed July 23, 1969. Applicant: PARKS TRANSPORTS, INC., Ashland, Nebr. 68003. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Precast concrete structural building members*, from Lincoln, Nebr., to points in Iowa, Minnesota, South Dakota, Colorado, Missouri, and Kansas. NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 133448 (Sub-No. 21), filed July 22, 1969. Applicant: REFRIGERATED FOOD LINE, INC., 1822 East Pacific, Springfield, Mo. 65803. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and pelts and commodities in bulk, in tank vehicles), from Great Bend, Kans., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.*

No. MC 133537 (Sub-No. 1), filed August 6, 1969. Applicant: CHARLES A. HUMMEL, doing business as HUMMEL BROS., R.F.D. No. 4, Dixon, Ill. 61021. Applicant's representative: William H. Towle, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, from Mendota, Ill., to points in Iowa on and east of U.S. Highway 69, points in Wisconsin on and south of U.S. Highway 10, and points in Indiana on and west of U.S. Highway 31 and on and north of U.S. Highway 36. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133550 (Sub-No. 1), filed August 3, 1969. Applicant: LLOYD R. KNOTT, doing business as LLOYD KNOTT TRANSPORTATION, Rural Route No. 2, Iowa Falls, Iowa 50126. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Concrete products, including prestressed and precast associated items, and accessories,*

reinforcing and other articles when used as an intricate part of items manufactured, from the plantsites of Prestressed Concrete of Iowa, Inc., at or near Cedar Rapids, Des Moines, and Iowa Falls, Iowa, to points in Illinois, Iowa, Missouri, Nebraska, and Wisconsin, under contract with Prestressed Concrete of Iowa, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 133641 (Sub-No. 3), filed July 24, 1969. Applicant: C. D. SAUNDERS, INC., Post Office Box 70, Bedford, Va. 24523. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid or invert sugar (including blends with other sweeteners) in bulk in tank vehicles*, from points in Bedford and Campbell Counties, Va., to points in West Virginia on and south of U.S. Highway 33; points in Kentucky on and east of Kentucky Highway 7, running southward from the Ohio border to its junction with Highway 80 at Hueysville, thence along U.S. Highway 80 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Virginia State line; points in Tennessee on and east of U.S. Highways 25E and 25; points in North Carolina on and north of Interstate Highway 40 from the Tennessee State line to its junction with U.S. Highway 64 near Mocksville, thence along U.S. Highway 64 to and including Raleigh, thence along U.S. Highway 1 to the Virginia-North Carolina State line, (2) *Fertilizer, in bulk, in dump vehicles*, from Greensboro, N.C., to points in the following Virginia Counties: Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Campbell, Carroll, Charlotte, Craig, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Rockingham, Smyth, Tazewell, Washington, and Wythe; and points in Greenbrier, Mercer, Monroe, Pocahontas, and Summers Counties, W. Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133666 (Sub-No. 2), filed August 4, 1969. Applicant: JACOBSON TRANSPORT, INC., Post Office Box 368, Wheaton, Minn. 56296. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Glenwood, Minn., to points in North Dakota and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 133709 (Sub-No. 1), filed August 6, 1969. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 3850 Fourth Street, Winona, Minn. 55987.

Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, knocked down, flat, in bundles, from Milwaukee, Wis., to points in Altura, Minn., under contract with Hubbard Milling Co., Altura, Minn. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133736 (Sub-No. 1), filed July 30, 1969. Applicant: FLOYD MATHESON, doing business as MATHESSON WHOLESALE MEAT AND PROCESSING CO., 206 West 500th Street, Cedar City, Utah. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Cedar City, Utah, to points in Washington, Iron Beaver, and Millard Counties, Utah, under contract with John Morrell & Co., of Sioux Falls, S. Dak. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133794 (Sub-No. 1), filed August 6, 1969. Applicant: CONVERTERS TRANSPORTATION, INC., Garnerville Terminal, Box 351, Garnerville, N.Y. 10923. 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: *Piece goods and such commodities as are used in the dyeing or finishing of piece goods*, between the plantsite of Elk Piece Dye Works, Inc., Garnerville, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Union, and Passaic Counties, N.J., under contract with Elk Piece Dye Works, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133816 (Sub-No. 1), filed August 4, 1969. Applicant: KENNETH L. PARKS AND KEITH O. PARKS, a partnership, doing business as K & K WHOLESALE CO., Post Office Box 222, Lowell, Ore. 97452. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Yamhill, Marion, Linn, Lane, Douglas, Benton, Polk, Clackamas, Tillamook, Multnomah, Jackson, and Josephine Counties, Ore., to points in Clark and Nye Counties, Nev., and (2) *lime*, from points in Clark County, Nev., to points in Oregon. Note: Applicant states upon the foregoing common carrier authority being granted, the applicant will surrender for cancellation that permit now held by it in MC 133310, Sub 1, which authorizes contract carrier service. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 133892 (Correction), filed July 7, 1969, published in the FEDERAL REGISTER issue of August 7, 1969, corrected and republished as corrected this issue. Applicant: B & W SERVICE INC., 26 Itasca Street (Boston), Mattapan, Mass. 02126. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail stores engaged in the selling of games, toys, bicycles, cribs, children's furniture, recreational equipment and apparatus, and in connection therewith, equipment, materials, and supplies*, used in the conduct of such business: (1) Between Boston, and Avon, Mass., and (2) between Avon and Dedham, Mass. on the one hand, and, on the other, Milford, Conn.; Portland, Maine; Nashua, N.H.; and Providence, R.I.; restricted to a transportation service to be performed under a continuing contract or contracts with Child World, Inc., of Dedham, Mass. Note: The purpose of this republication is to reflect contract carrier authority sought, in lieu of common, which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 133916, filed July 22, 1969. Applicant: AIR FREIGHT TRANSPORTERS, INC., 901 Harrison Street, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between the air freight terminal at Berry Field, Nashville, Tenn., and points in Kentucky. Restriction: Service at Berry Field, Nashville, Tenn., is restricted to traffic having an immediate prior or subsequent movement by air. Note: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133919 (Sub-No. 1), filed July 28, 1969. Applicant: JOHN ROSETTI, 683 Pine Street, Burlington, Vt. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese products, wet cheese, and wet curd*, from Alburg, Milton, and Richmond, Vt., to Brooklyn, N.Y., under contract with Falcone Dairy Products, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133924 (Sub-No. 1), filed July 30, 1969. Applicant: RADABAUGH BROS. TRUCKING CO., INC., 2105 Freeman Street, Fort Wayne, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand, gravel, and crushed stone*, from points in Cass County, Mich., to points in St. Joseph, Elkhart, Marshall, La Porte and Lagrange Counties, Ind., and

(b) from points in Elkhart County, Ind., to points in Berrien, Cass, and St. Joseph Counties, Mich., and (2) *asphalt*, from Elkhart and Mishawaka, Ind., to points in Berrien, Cass, and St. Joseph Counties, Mich., under contract with Arco Engineering Construction Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 133943, filed August 7, 1969. Applicant: PETER A. EBERLI, doing business as KNAPPA TRAILER TOWING, Route 4, Box 810, Astoria, Ore. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Ore. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers and sectionalized buildings* mounted on wheeled undercarriages, in towaway service, between points in Clatsop and Columbia Counties, Ore., on the one hand, and, on the other, points in Pacific, Wahkiakum, and Cowlitz Counties, Wash. Note: If a hearing is deemed necessary, applicant requests it be held at Astoria, Ore.

No. MC 133947, filed August 6, 1969. Applicant: McCUE EXPRESS, INC., Rural Route No. 3, Box 391, Jeffersonville, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forgings, pipe fittings, welding rods and wire, and material used in the manufacturing thereof*, between the plantsite of Tube Turns Division of Chemtron Corp., Louisville, Ky., on the one hand, and, on the other, points in Indiana. Note: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 133950, filed July 30, 1969. Applicant: PORTABLE STORAGE OFFICE & EQUIPMENT COMPANY, a division of OLAF ANDERSON & SON CONSTRUCTION CO., INC., 2502 First Avenue North, Fargo, N. Dak. 58102. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shop trailers, shed trailers and special purpose trailers*, between points in North Dakota, Minnesota, and South Dakota. Note: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

MOTOR CARRIERS OF PASSENGERS

No. MC 133907, filed July 18, 1969. Applicant: LENON SERVICE, INC., 1217 Grant Street, Lake Geneva, Wis. 53147. Applicant's representative: Robert K. Lenon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in charter operations, from points in Walworth County, Wis., to points in Boone, Winnebago, McHenry, Lake, Cook, Lane, Du Page, Kendall, and Will Counties, Ill., and return. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction

against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130094, filed July 28, 1969. Applicant: FOX TRAVEL, INC., 404 Carew Tower, Cincinnati, Ohio 45202. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. For a license (BMC-5) to engage in operations as a broker at Cincinnati, Ohio, in arranging for the transportation, in interstate or foreign commerce, of *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Adams, Athens, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Morgan, Muskingum, Noble, Pickaway, Perry, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington Counties, Ohio, Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Fayette, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, and Henry Counties, Ky., Cabell, Jackson, Kanawha, Lincoln, Pleasants, Putnam, Wayne, and Wood Counties, W. Va., and Aurora, Batesville, Lawrenceburg, Jefferson, Kenton, Lewis, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Trimble, and Woodford, Ind., and extending to points in the United States, including Alaska, but excepting Hawaii.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10233; Filed, Aug. 27, 1969;
8:45 a.m.]

[Notice 894]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 25, 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 six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 255 TA), filed August 18, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, both liquid and dry, in bulk, from the plantsite of U.S. Oil of Louisiana, Ltd., Lafourche Parish, La., to Pascagoula, Miss., for 180 days. Note: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: U.S. Oil of Louisiana, Ltd. (Mr. Raymond P. Goode, General Superintendent), Post Office Box 430, Thibodaux, La. 70301. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 30844 (Sub-No. 290 TA), filed August 19, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Champagne and wine* in containers, from Batavia, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Robin Fils & CIE Ltd., School Street and Hewitt Place, Batavia, N.Y. 14020. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 106398 (Sub-No. 415 TA), filed August 18, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from plantsite of Champion Home Builders Co. in Lillington, N.C., to points in Tennessee, Kentucky, West Virginia, Maryland, Virginia, South Carolina, Georgia, Florida, Alabama, and Mississippi, for 180 days. Supporting shipper: Champion Home Builders Co., Robert Ganett, Divisional Manager, Box 1146, Lillington, N.C. 27546. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107496 (Sub-No. 743 TA), filed August 19, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third

and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in pneumatic tank vehicles, from Buffington, Ind., to Thomasboro, Ill., for 90 days. Supporting shipper: Universal Atlas Cement Corp., United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. 15230. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109689 (Sub-No. 208 TA), filed August 19, 1969. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, other than crude, in bulk, from Antonito, Colo., to points in Sweetwater County, Wyo., for 180 days. Supporting shipper: General Refractories Co., 1520 Locust Street, Philadelphia, Pa. 19102 (E. H. Spencer, Director, Traffic and Distribution). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 113678 (Sub-No. 361 TA), filed August 18, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, from Omaha, Nebr.; Oakland and Glenwood, Iowa, and their commercial zones, to points in Cook and Du Page Counties, Ill., and Dayton, Ohio, and its commercial zone, for 180 days. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, Ill. 60076. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 118019 (Sub-No. 1 TA), filed August 20, 1969. Applicant: PENN TRANSPORTATION CORP., 250 Maple Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., and Fall River, Mass., to Boston and Chelsea, Mass., for 180 days. Supporting shippers: S. Anastasi, 330 North Street, Boston, Mass. 02113; Yankee Boy Tomato Co., 178-184 Commercial Street, Boston, Mass. 02109; P. DiBella & Sons, 215 Williams Street, Chelsea, Mass. 02150. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 120543 (Sub-No. 61 TA), filed August 20, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Laredo, Tex., to points in Ohio, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Florida, for 180 days. Supporting shipper: Mid-Valley Products Corp., Box 337, Roslyn Heights, N.Y. 11577. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 121450 (Sub-No. 4 TA), filed August 18, 1969. Applicant: McCOMAS TRUCK LINES, INC., 107 North Eighth Street, Chickasha, Okla. 73108. Applicant's representative: W. W. Hunt (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, from Chickasha, Okla., to Rush Springs, Marlow, Comanche, Waurika, Hastings, Temple, Walters, Okla., serving intermediate points, return from Walters, Okla., over Oklahoma Highway 53 to U.S. Highway 81 at Comanche, thence over U.S. Highway 81 to Chickasha, for 180 days. NOTE: Applicant proposes to tack its present authority and serve either from Chickasha or Duncan, and interline at these points or Oklahoma City, and occasionally at other points where freight may be tendered. Supporting shippers: Samples Department Store, M. Samples, Owner, Box, Waurika, Okla.; Brown Drug, George A. Grown, Owner, 102 North Main, Waurika, Okla. 73573; Amerand, Inc., H. B. Roe, Sales Manager, Amerand, Inc., Post Office Box 12505, Oklahoma City, Okla. 73112; Hi-Vi Dog Food Co., Arthur S. Harris, President, Post Office Box 128, Rush Springs, Okla. 73082; Bernard Enterprises, Inc., Spencer T. Bernard, General Manager, Box 158, Rush Springs, Okla. 73082; James Dittner, Mayor, City of Marlow, Okla. 73055; Cline Industries, Inc., Ted Cline, Vice President, Box 38, Rush Springs, Okla.; Mr. Doug Strange, Doug Strange Furniture Co., 212 Main Street, Comanche, Okla. 73529. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 126276 (Sub-No. 18 TA), filed August 20, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and components*, from the plantsite and/or facilities of Crown Cork & Seal Co., Inc., at or near Bradley, Ill., to Elizabethtown, Ky., for 150 days. Supporting shipper: Crown Cork & Seal Co., Inc., 3501 West 31st Street, Chicago, Ill.

60623. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127689 (Sub-No. 33 TA), filed August 15, 1969. Applicant: PASCA-GOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: Harvey E. West (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the plant or warehouse facilities of the Procter & Gamble Co. and its subsidiaries in Alexandria, La., or its commercial zone on the one hand, and, on the other, points in Mississippi; those in Florida west of the Apalachicola River in the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf, Calhoun; and those in Alabama in the counties of Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Pike, Washington, and Wilcox, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133655 (Sub-No. 8 TA), filed August 19, 1969. Applicant: TRANS-NATIONAL TRUCK INC., Box 894 Hurst, Tex. 76053. Applicant's representative: Charles Singer, 33 North Dearborn Street, Chicago, Ill. 60606. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors and furniture parts*, from Toccoa, Ga., to Atlanta, Ga., for 180 days. NOTE: Applicant intends to interline with miscellaneous carriers at Atlanta, Ga. Supporting shipper: Western-Stickley Furniture Co., 3757 South Ashland Avenue, Chicago, Ill. 60609. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133961 TA, filed August 18, 1969. Applicant: DONALD L. SIMONS, doing business as SIMONS TRUCKING CO., 721 10th Avenue West, Grand Rapids, Minn. 55744. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Corn cribbing, snow fence, lath and pellets*, from the plantsite of Cole Forest Products, Inc., at or near Grand Rapids, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri,

Iowa, Minnesota, Michigan, Wisconsin, Illinois, Ohio, Montana, Wyoming, and Colorado, for 180 days. Supporting shipper: Cole Forest Products, Inc., Grand Rapids, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[P.R. Doc. 69-10290; Filed, Aug. 27, 1969;
8:47 a.m.]

[Notice 401]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 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-71544. By order of August 19, 1969, the Motor Carrier Board approved the transfer to Bee Line Heavy Haulers, Inc., Miami, Fla., of certificate of registration No. MC-120260 (Sub-No. 1) issued November 18, 1963, to B. E. M. Enterprises, Inc. (formerly Bee Line Heavy Haulers, Inc.), Miami Shores, Fla., evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Florida. John A. Sutton, 145 North Magnolia Avenue, Orlando, Fla. 32803, attorney for applicants.

No. MC-FC-71559. By order of August 19, 1969, the Motor Carrier Board approved the transfer to Kentway Transportation, Ltd., King, Ontario, Canada, of certificate in No. MC-128777, issued August 11, 1967, to Greer Transportation Co., Ltd., Barrie, Ontario, Canada; authorizing the transportation of: *Passengers and their baggage*, in round-trip charter operations, from ports of entry on the United States-Canada boundary line, and extending to points in the United States (except Alaska and Hawaii), and return. S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-71566. By order of August 19, 1969, the Motor Carrier Board approved the transfer to Four State Transport, Inc., doing business as Four State, Tulsa, Okla., of the certificate in No. MC-125691, issued December 18, 1964, to P. A. Fitzgibbon, L. F. Fitzgibbon,

[P.R. Doc. 69-10291; Filed, Aug. 27, 1969;
8:48 a.m.]

FSA No. 41726—*Alcohol to New Orleans, La.* Filed by Illinois Freight Association, agent (No. 346), for interested rail carriers. Rates on alcohol (other

[F.R. Doc. 69-10292; Filed, Aug. 27, 1969;
8:48 a.m.]

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1300	12593, 12837
1307	12593, 12837

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172	13426
173	13374, 13426-13428
177	13427
178	13374, 13428
231	13750
Ch. III	13480
371	12717, 13608, 13609
391	13610
1048	13283
1056	13482
1300	13283
1307	13283

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10	12785
32	12704, 12786, 12830-12832, 13032, 13107, 13108, 13155, 13369-13371, 13416, 13417, 13470-13477, 13550, 13600, 13645, 13740-13745
33	12787, 13600
215	13371
280	13551

PROPOSED RULES:

13	13373
32	12705, 13661
33	12705

