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Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 888c—CAREER RESERVE STATUS FOR RESERVE OFFICERS AND ACTIVE DUTY SERVICE COMMITMENTS

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 888c issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 36-51, Aug. 20, 1968.

§ 888c.0 Purpose.

This part tells how a Reserve officer may obtain or cancel Career Reserve Status (CRS), and establishes active duty service commitments (ADSC) for all officers.

Subpart A—General

§ 888c.2 Statutory authority.

10 U.S.C. 8012(f) authorizes the Secretary of the Air Force to prescribe regulations to carry out his functions, powers, and duties. This part, wherein career and certain noncareer officers receive and must serve all active duty service commitments (ADSC) associated with assignment, training, etc., is issued under this authority.

§ 888c.4 Definitions.

(a) *Active duty (AD).* (1) Full-time duty in the active military service of the United States. (Does not include a tour of AD for training.)

(2) A tour performed by a Reservist or temporary officer who occupies an authorized troop space of the active military establishment.

(b) *Active duty service commitment (ADSC).* A period of AD which an officer is required to serve before becoming eligible for voluntary separation.

NOTE: ADSC replaces the term "active duty service obligation" and the term "period of required service."

(c) *AFROTC cadets.* (1) Category I–P cadet. Cadet programed to enter undergraduate pilot training (UPT) upon commissioning.

(2) Category I–N cadet. Cadet programed to enter undergraduate navigator training (UNT) upon commissioning.

(3) Category II cadet. Nonflying cadet applicant pursuing a certain scientific and engineering degree as specified by AFROTC.

(4) Category III cadet. Any other nonflying cadet applicant.

(d) *Career officer.* (1) A Regular officer.

(2) A Reserve officer who volunteered and was approved for and is serving in CRS.

(e) *Career Reserve Status (CRS).* The status of an officer of a Reserve component who entered AD voluntarily, or who later agreed to remain on AD, for an indefinite or unlimited period. It is achieved when the Air Force approves the officer's AF Form 1056, "AF Reserve Officers' Training Corps Category Agreement," or AF Form 1229, "Application for Career Reserve Status."

(f) *Date of separation (DOS).* A date established according to law or policy for termination of a tour of AD.

(g) *Noncareer officer.* (1) A temporary officer.

(2) A Reserve officer who entered on AD for a specified period of duty. (Does not include the "20 Year Active Service Career for Reserve Officers" program.)

(3) A Reserve officer who has canceled CRS.

(4) Any Reserve officer with a DOS involuntarily established by law or policy. (Does not include the "20 Year Active Service Career for Reserve Officers" program.)

(h) *Officer.* An Air Force male or female commissioned or warrant officer of any component or without specification of component.

(i) *Reserve component.* The Air National Guard of the United States and the Air Force Reserve.

(j) *Separation.* (1) Termination of AD by release, resignation, or discharge (AFR 36-12 (Administrative Separation of Commissioned Officers and Warrant Officers of the Air Force)).

(2) Service Retirement (AFM 35-7 (Service Retirements)).

(3) Disability Retirement or Separation (AFM 35-4 (Physical Evaluation for Retention, Retirement, and Separation)).

(4) Termination of AD by expiration of specified period of time contract (AFR 36-94 (Specified Period of Time Contracts (SPTC) and AFR 36-12)).

(5) Termination of AD by DOS established under cancellation of CRS program (AFR 36-12).

(k) *Specified period of time contract (SPTC).* A signed statement in which a noncareer officer or an appointee from civilian or airman status agrees to remain on AD in commissioned officer status for a specified time (AFR 36-94).

§ 888c.6 Policy for career officers.

(a) The Air Force will be manned by volunteers to the greatest extent. Therefore, a career officer will not be required to serve longer than is necessary to meet Air Force requirements.

(b) A career officer will be given priority to develop and progress in accordance with his potential in meeting Air Force requirements. He will be given preferential consideration for all career opportunities of assignments, training, education, etc., such as professional schools, and courses prescribed in AFM 50-5 (USAF Formal Schools Catalog).

Subpart B—Career Reserve Status (CRS)

§ 888c.8 General.

(a) Section 888c.14 contains procedures for obtaining CRS.

(b) In the interest of stability and economy of operation of the Air Force it is desirable that a qualified Reserve officer apply for CRS. Commanders will provide an environment which encourages a qualified Reserve officer to apply.

(c) Applicant must be qualified for an Air Force commission, and certified by MAJCOM surgeon as prescribed in AFM 160-1 (Medical Examinations and Medical Standards).

(d) Applicant will not perform travel incident to separation or be released from AD before application for CRS has received action by the approval/disapproval authority.

§ 888c.10 Ineligible Applicant.

An officer is not eligible who:

(a) Is unable to attain entitlement for service retirement before mandatory separation (AFRs 36-12 and 45-26 (Voluntary Entry on Extended Active Duty (EAD) of Commissioned Officers and Warrant Officers of the Air Reserve)).

(b) Is ordered to AD for training.

(c) Has initiated travel incident to separation.

§ 888c.12 Application while on active duty.

(a) Procedures for obtaining CRS are in rules 4 through 9 of § 888c.14. Use AF Form 1229, "Application for Career Reserve Status."

(b) Must be executed without modification. Conditional acceptance is not authorized.

(c) Normally, the officer who prepares applicant's effectiveness report completes the Rating Section.

(d) A request for CRS from former CRS officer will be processed according to rule 4, 5, 6, 7, or 8, § 888c.14. There is no guarantee, implied or otherwise, that an officer who once served in CRS will again be permitted CRS. His request will be approved only when such action is in the best interest of the Air Force.

§ 888c.14 Procedures for obtaining CRS.

Rule	A	B	C	D	E
	If member is—	Then he makes application—	By preparing—	And CBPO/MAJCOM submits to approving authority, i.e.,	And, if approved it is effective the date—
1	Aviation cadet or student; enrolled in OTS or AECP.	When applying for flying training, OTS, or AECP.	AF Form 56.....	MAJCOM.....	Ordered to AD.
2	Ordered to AD under AFR 45-26.	When applying for AD.	AF Form 125.....	As prescribed in AFR 45-26.	
3	AFROTC cadet (category I, II, or III).	Before entry on AD.	AF Form 1056.....	Professor of Aerospace studies.	
4	Line of Air Force (lieutenant colonel and below).	Before entering last 6 months of AD or SPTC.	AF Form 1229 (in triplicate); SF 88 and 89 (in duplicate).	USAFMPC (AFPMREB).	AF Form 1229 was signed (note 3).
5	Line of Air Force (colonel).			HQ USAF (AFPDX).	
6	Legal officer.....			HQ USAF (AFJAGA).	
7	In medical career area.	At any time while on AD.		USAFMPC (AFMSM).	
8	Chaplain (note 1).....	Not earlier than (NET) 24 months after entry on AD (note 2).		HQ USAF (AFHCHA).	
9	Ordered to AD under AFR 45-22 (e.g., 10 U.S.C. 265, 8033, 8496).	In time for effective date to coincide with tour completion date.		USAFMCP (AFPMREB).	Tour is completed.

NOTES: 1. Chaplain applicants must obtain an ecclesiastical endorsement for CRS from their religious agency. This endorsement will be forwarded directly from the agency to Hq USAF (AFHCHA) concurrently with the CRS request.

2. If chaplain is ordered to AD for 24 months only, waiver may be requested upon completion of 18 months AD.

3. After approval, send signed original of AF Form 1229 to USAFMPC (AFPMDRO), and signed duplicates to unit personnel record group. Send signed originals of SF 88 "Report of Medical Examination," and SF 89 "Report of Medical History," to USAFMPC (AFPMDRO), and signed duplicates to health record group.

§ 888c.16 Service after approval.

The "20 Year Active Service Career for Reserve Officers" program establishes the duration of an AD career and award of DOS. This does not prevent earlier separation when required by law or policy.

NOTE: Minimum service requirement is as prescribed in §§ 888c.30 and 888c.46.

§ 888c.18 Requests for cancellation of CRS.

(a) A request may be submitted at any time providing conditions of this section and § 888c.22 are met. Requests for waivers of the basic eligibility for cancellation of CRS are not authorized, and will be returned. An officer who believes he can justify establishment of a DOS other than authorized herein may submit a request for separation under AFR 36-12. Limiting conditions for cancellation of CRS are:

(1) Effective DOS may not be earlier than 6 months from date of application.

(2) Effective DOS may not be earlier than established ADSC.

(3) Officer cannot possess assignment selection date (ASD) as explained in AFM 36-11 (Officer Assignment Manual).

NOTE: Officer may submit request when he arrives at new station and current ADSC is computed. This computation includes ADSC from training associated with the PCS.

(4) Officer cannot have attained eligibility for retirement on the effective DOS.

(5) Officer cannot have received notification from competent authority, either in writing or orally, that he is being considered for action under AFM 35-4 or AFRs 35-66, 36-2, or 36-3; has been selected for action under AFR 35-62; his conduct has rendered him suitable for trial by court-martial.

(b) MAJCOM are the authorized approving authority for cancellation of CRS. This authority may not be redelegated. Exceptions to approval by MAJCOM are:

(1) For an officer in the medical career area, send request to USAFMPC (AFMSM).

(2) For a legal officer, send request to Hq USAF (AFJAGA).

(3) For a chaplain, send request to Hq USAF (AFHCHA).

(4) For an officer assigned to 1035 Field Activities Group, send request to USAFMPC (AFPMREB).

(c) Requests will be approved by the appropriate authority if officer's effective DOS meets conditions outlined in paragraph (a) of this section and § 888c.22 of this part.

(d) Award of DOS: (1) See § 888c.22.

(2) If MAJCOM are unable to determine the proper ADSC, the case will be referred to USAFMPC (AFPMREB).

(3) MAJCOM may not change a DOS which has been established under this part. A change in DOS may only be made by action under the provisions of AFR 36-12. (This does not preclude MAJCOM from approving SPTC if request meets criteria of AFR 36-94.)

§ 888c.20 CRS record entries.

(a) The approving authority annotates AF Forms 1056 and 1229 for validation of CRS. The acceptance by the procurement authority of AF Forms 24, 56, 125, or any properly executed agreement which contains "enter and remain on AD for an (unlimited) (indefinite) period" constitutes validation of CRS. Make Uniform Officer Record (UOR) entries according to AFM 30-3 (Mechanized Personnel Procedures).

§ 888c.22 Award of DOS.

Rule	A	B
	If no other ADSC exceeds desired date and officer is—	Then DOS must be—
1	Attending a course of instruction.	Not earlier than (NET) the ADSC incurred from the training.
2	Serving accompanied by dependents oversea tour (note 1).	Tour completion date; tour length plus approved extension; or NET 12 months after DEROS.
3	Serving all others oversea tour (note 1) (see § 888c.34).	Date 12 months of tour will be completed (note 2); between 12 months and tour completion date; tour length plus approved extension; or NET 12 months after tour completion date.
4	Serving a CONUS stabilized tour (Schedule B, table 2-4, AFM 36-11) (note 1).	

NOTES: 1. Approved tour extension according to AFM 36-11 is precedent to MAJCOM established DOS based on cancellation of CRS.

2. Aircrews returned from SEA due to completion of of combat missions are expected.

Subpart C—Active Duty Service Commitment (ADSC)

§ 888c.24 General ADSC information.

(a) In general, ADSC require a career officer to remain on AD for a specified period of time in order to insure a reasonable return for the expenditure of public funds, provide a resource of trained officers to meet mission requirements for training, procurement, etc.

(b) The majority of ADSC results from voluntary actions of the individual, e.g., accepting a commission, accepting an AD promotion, acceptance for AFIT or UPT/UNT, etc. Other ADSC result from normal assignment actions required for effective utilization of the career force, e.g., PCS, advanced flying training, technical training, etc.

(c) ADSC has been expanded to include all service requirements that are a precedent to voluntary separation. This change in terminology from "active duty service obligation" and "periods of required service" to ADSC does not affect the validity of previously established periods of AD which have been referred to in other directives or signed agreements.

(d) Prior ADSC which exceed the requirements of this part are reduced to comply with those stated herein. Prior ADSC which are less than the requirements of this part are not to be increased to comply with those stated herein.

EXCEPTION: Certain ADSC are announced as effective on specific dates. In such cases, the effective dates prevail in determination of the ADSC.

(e) The ADSC of rules 8E and 12E through and including 15E of § 888c.40, or rules 4E through and including 10E of § 888c.42, are added to any previous unfulfilled ADSC. Exception: The ADSC will not be added to those incurred by promotion, the 1-year ADSC for acceptance of CRS while on AD, the 1-year ADSC for acceptance of Regular Air Force appointment while on AD, voluntary entry on AD of prior service officers, or interservice transfer, but served concurrently with these ADSC.

§ 888c.26 Fulfillment of ADSC.

(a) In general, an officer is obligated to accept any duty assignment directed by the appropriate assignment authority.

(1) A career officer who has not submitted a request for separation is considered to be serving in career status voluntarily. Therefore, he incurs and serves all ADSC associated with assignment and training.

(2) A noncareer officer or any other officer who possesses a DOS established by voluntary request, law, or policy continues to incur ADSC, but will not be required to serve beyond the DOS except under extraordinary circumstances. Later election of continued service (e.g., CRS, withdrawal of separation request, extension for indefinite periods under the "20 Year Active Service Career for Reserve Officers" program, etc.) will result in a requirement to serve the balance of outstanding ADSC.

§ 888c.28 ADSC from accepting Regular Air Force commission.

Rule	A	B	C
	If officer is—		Then ADSC is—
1	USAFA graduate (see note).	Class of 59, 60, 61	3 years.
2		Class of 62, 63, 64, 65, 66, 67	4 years.
3		Class of 68, 69, 70, 71, 72	5 years.
4	Appointed from AFROTC; civilian or non-EAD Reserve dentists.	FY 67 Regular Air Force appointment program and before.	4 years.
5		FY 68 Regular Air Force appointment program and thereafter.	5 years.
6	Appointed to Regular Air Force on AD.	FY 67 Regular Air Force appointment program and before.	4 years on current tour including 1 year of service after appointment.
7		FY 68 Regular Air Force appointment program and thereafter.	5 years on current tour, including 1 year of service after appointment.
8	An interservice transfer		4 years.

NOTE: ADSC duration is incorporated within statements of understanding executed as cadets at USAFA.

§ 888c.30 ADSC for Reserve officers accepting CRS/commission.

Rule	A	B	C
	If officer—		Then ADSC is—
1	Was appointed from AFROTC in CRS or in noncareer officer status and entered senior AFROTC.	Before Jan. 1, 1961	3 years.
2		On or after Jan. 1, 1961	4 years.
3	Was appointed upon graduation from OTS in CRS.	Before Dec. 20, 1960	3 years.
4		On or after Dec. 20, 1960	4 years.
5	Volunteered for AD in CRS	Before Aug. 14, 1962	3 years.
6		On or after Aug. 14, 1962	4 years.
7	Was accepted for CRS while on AD (see note).	Before Aug. 1, 1963	3 years, including 1 year in CRS.
8		On or after Aug. 1, 1963 (also see § 888c.46).	4 years, including 1 year in CRS.
9	Is an interservice transfer		4 years.
10	Is a physician, dentist, or veterinarian	With prior service and agreeing to CRS.	4 years.
11		Without prior service	2 years.
12	Is a Medical Service to biomedical (except dietitian, optometrist, occupational therapist).	With prior service and agreeing to CRS.	4 years.
13		Without prior service	3 years.
14	Is a nurse or biomedical (dietitian, optometrist, occupational therapist).	With prior service and agreeing to CRS.	4 years.
15		Without prior service	2 years.
16	Is a legal officer	Accepted before July 1, 1966	3 years.
17		Accepted on or after July 1, 1966	4 years.
18	Is a chaplain		3 years.

NOTE: A physician or dentist who volunteered for CRS on or after July 1, 1965, incurs an ADSC of 2 years, including 1 year in CRS.

§ 888c.32 Training ADSC.

(a) *Flying training.* (1) ADSC are contained in § 888c.38.

(2) Compute ADSC based on the course length listed in AFM 50–5 (USAF Formal Schools Catalog); if not listed, the course length announced by the MAJ COM conducting the course.

(3) Additional ADSC is not incurred for completion of formal combat or specialized training, provided it is entered within the first year after award of an aeronautical rating.

(4) Because of unique Air Force requirements, it may be necessary to direct training for requalification or special crew qualification training in an aircraft in which an officer previously received formal training and incurred an ADSC. No ADSC will be incurred for the supplementary training.

(b) *Technical training, AFIT, service schools, and miscellaneous training.* (1) ADSC are contained in § 888c.40.

(2) Compute ADSC on the basis of calendar weeks from the date the student reports until the departure date

from the training facility. Fraction of a week is considered 1 week.

(c) *Medical Service Corps, Veterinary Corps, Biomedical Sciences Corps (including Dietitians, Occupational and Physical Therapists, and Optometrists), and Nurse Corps Officers.* ADSC are contained in § 888c.40.

(d) *Fellowships, scholarships, and grants.* (1) ADSC are contained in § 888c.40.

(2) If purpose of the award is to permit officer to work on project of value to the Air Force rather than fulfill requirements of an academic degree, this will be stipulated at time of approval by USAFMPC (AFPMRED).

(3) As a condition of acceptance, recipients of the fellowship, scholarship, or grant agree in writing to serve the ADSC (see AFR 36–95 (Fellowships, Scholarships, and Grants)).

(e) *Physician and dentist training.* (1) ADSC are contained in § 888c.42.

(2) Attendance at a nonmedical training program results in ADSC as prescribed in § 888c.40 or elsewhere within this part.

(3) ADSC is not incurred for a course of less than 10 weeks. Nevertheless, minimum service requirements of AFR 36–94 apply for attendance.

(f) *Elimination from training.* (1) ADSC are contained in § 888c.44.

(2) An officer eliminated from flying training due to physical disqualification begins fulfilling his ADSC on the date placed on "duty not involving flying" (DNIF) status.

(3) An officer who fails to complete a course under the Bootstrap Tuition Assistance Program (AFM 213–1 (Operation and Administration of the Air Force Education Services Program)) is exempted from § 888c.44 when:

(i) Reimbursement to the Government is required.

(ii) Reimbursement to the Government is waived.

(iii) The Government is reimbursed voluntarily.

(iv) An officer eliminated from AFIT, professional education or training with industry program, scholarship, fellowship, or grant as the result of self-initiated action is required to serve the ADSC incurred from § 888c.40 rather than § 888c.44.

§ 888c.34 Permanent change of station (PCS).

(a) A PCS to a CONUS station results in an ADSC of 1 year from date departed last duty station.

(b) An officer assigned to an oversea area whose dependents accompany or join him has an ADSC of the duration of prescribed accompanied oversea tour. ADSC accrues from date departed CONUS.

(c) An officer assigned to an oversea area serving an unaccompanied tour will have an ADSC of 1 year. ADSC accrues from date departed CONUS. Exceptions:

(1) This ADSC is reduced for an officer who returns from SEA in less than 1 year due to completion of tour.

(2) ADSC is incurred for PCS within or between oversea theaters. ADSC accrues from date departed last duty station. However, ADSC does not extend DEROS established pursuant to AFM 36–11 (Officer Assignment Manual).

(d) An approved oversea tour extension does not extend the ADSC associated with the tour. An approved oversea tour curtailment decreases the ADSC accordingly.

§ 888c.36 Promotion of officers.

(a) An officer promoted to the AD grade of CWO W–3, CWO W–4, lieutenant colonel, or colonel before July 1, 1967, incurred an ADSC of 2 years from the effective date of promotion. However, completion of the ADSC is a specific condition that must be fulfilled before voluntary retirement. It does not preclude requests for separation under AFR 36–12.

EXCEPTION: A Reserve officer who was entitled to retire in a permanent grade equal to or higher than the temporary grade is exempted from this ADSC if temporary promotion was before Mar. 1, 1967.

(b) An officer promoted to the AD grade of CWO W–3, CWO W–4, major, lieutenant colonel, or colonel on/after July 1, 1967, incurs an ADSC of 2 years from the effective date of the promotion. Completion of ADSC is a specific condition precedent to any voluntary separation. Exception: An officer serving a fixed tour of duty pursuant to AFR 45–22 (Reserve Component Representation) does not incur an ADSC which extends the AD tour.

(c) A Reserve officer in noncareer status who has a DOS which occurs before fulfillment of the ADSC must sign a SPTC to insure that separation and fulfillment are concurrent. Other officers with pending or approved voluntary separation will request it be withdrawn or the DOS changed to be concurrent with fulfillment. A Reserve officer with DOS established under the "20 Year Active Service Career for Reserve Officers" Program and a non-Regular warrant officer will have his DOS changed automatically by USAFMPC (AFPMARB).

§ 888c.38 ADSC for flying training.

Rule	A	B	C	D
	If training is—	And was entered—	For a period of—	Then ADSC (served concurrently with existing ADSC) is—
1	UPT or UNT	Before Jan. 1, 1970		4 years.
2		On/after Jan. 1, 1970		5 years (note 1).
3	Formal combat or specialized conducted by MAJCOM or established AF school (note 2).		Less than 4 weeks	1 year.
4			4 or more weeks but less than 8 weeks.	2 years.
5			8 or more weeks but less than 12 weeks.	3 years.
6			12 or more weeks	4 years.

NOTES: 1. The majority of officers who enter training on/after Jan. 1, 1970 will have previously executed AF Forms 56, 1056, etc., or statements reflecting the 5-year ADSC. It is anticipated that some officers entering will have executed agreements indicating a 4-year ADSC. This group will be ADSC, AFROTC officers who are delayed due to approved educational deferments, and USAFA graduates of Class '69 who participate in the "Hump Back" graduate program. The 4-year ADSC will apply for all these categories, even though entry is on/after Jan. 1, 1970.

2. All training received in the type aircraft, flying training course(s), or for the duty assignment(s) listed below will result in a 1-year ADSC, regardless of the length of training. The 1-year ADSC will be considered satisfied upon completion of a tour in SEA, if such occurs before 1 year: (a) ALO/FAC; (b) USAF Special Fighter Training Course (F–105), Course #111506G; (c) A–1; (d) A–26; (e) C–7A; (f) C–47; (g) C–123; (h) 0–1; (i) 0–2; (j) OV–10; (k) SAW Training Course, T–28 Pilot #111103Z; (l) U–6; (m) U–10.

§ 888c.40 AFIT, service schools, technical, or other training ADSC.

Rule	A If training is—	B And was entered—	C For a period of—	D Then ADSC is (note 1)—	E And is served—
1	AFIT professional education or training with industry except special short courses.	Before Dec. 4, 1959		Equal to length of directed duty.	Concurrently with existing ADSC.
2		On/after Dec. 4, 1959, but before Oct. 1, 1963.	Less than 10 weeks	1 year.	
3			10 or more weeks but less than 20 weeks.	2 years.	
4			20 or more weeks but less than 12 months.	3 years.	
5			12 or more months but less than 24 months.	4 years.	

See footnotes at end of table.

§ 888c.40 AFIT, service schools, technical, or other training ADSC—Continued

Rule	A If training is—	B And was entered—	C For a period of—	D Then ADSC is (note 1)—	E And is served—
6			24 or more months	4 years, plus 2 months for each additional fraction month.	
7		On/after Oct. 1, 1963, but before Feb. 13, 1964.		3 times length of course.	
8		On/after Feb. 13, 1964.		3 times length of course.	Consecutively to existing ADSC.
9	Operation Bootstrap TDY programs (AFM 213-1).	Before Oct. 1, 1963	Less than 6 months	2 years	Concurrently to existing ADSC.
10			6 or more months but less than 12 months.	3 years	
11		On/after Oct. 1, 1963, but before Feb. 13, 1964.		3 times length of TDY.	
12		On/after Feb. 13, 1964.		3 times length of TDY.	Consecutively to existing ADSC.
13	Legal training in an excess leave status (AFR 36-7).	On/after Jan. 1, 1961, but before Sept. 1, 1968.		6 months for each school year (note 2).	
14		On/after Sept. 1, 1968.		1 month for each month of school year (note 2).	
15	Professional training for medical service.	On/after Jan. 1, 1966.	AFTT training	3 times length of course.	
16	Officers (except physicians and dentists) and part is performed under AFIT and remainder in a military establishment.		Military facility	3 times length of course.	Concurrently with existing ADSC.
17	AFIT Minuteman Missile Combat Crew Education Program.			2 years	
18	ATC Missile Course	On/after Oct. 1, 1963 (SAC: on/after Aug. 1, 1963), but before Feb. 29, 1968.		10 times length of course (note 3).	
19		On/after Feb. 29, 1968.		2 years	
20	Fellowship, scholarship, or grant.	Before Jan. 1, 1969		3 times length of education or training period.	

See footnotes at end of table.

§ 888c.40 AFIT, service schools, technical, or other training ADSC—Continued

Rule	A If training is—	B And was entered—	C For a period of—	D Then ADSC is (note 1)—	E And is served—
21	(AFR 36-23)	On or after Jan. 1, 1969, and before fulfillment of ADSC for award of AF commission.		Whichever is longer—the period of ADSC for commission plus length of training, or 3 times length of education or training period.	
22		On or after Jan. 1, 1969, and after fulfillment of ADSC for award of commission.		3 times length of education or training period.	
23	Nat. War College, Air War College, Industrial College of the Armed Forces, Armed Forces Staff College, Comd. and Staff College, or completion of training at comparable schools or other forces or nations.			3 years	
24	Operation Bootstrap with tuition assistance (AFM 213-1).			2 years after termination of class.	
25	With Manned Spacecraft Cen (NASA), Houston, Texas (note 4).			2 years after termination of tour.	
26	SAC Missile ORT Course.	Before Aug. 1, 1963		3 years	
27	Sq Officer School, Academic Instructor School (AU), or comparable schools of other forces or nations.			1 year	
28	Technical training including AFR 50-5; AFIT special short courses; weather officer courses; eduction or professional training requiring absence from duty not specifically shown in other portions of this part.		Less than 20 weeks	6 times length of course.	
29			20 or more weeks but less than 12 months.	3 years	
30			12 or more months but less than 24 months.	4 years	
31			24 or more months	4 years, plus 2 months for each additional fraction month.	
32	Off-Duty Proficiency Education and Training Program conducted by AFSC.	On/after Apr. 3, 1964.		1 year after completion of the course.	

NOTES: 1. If ADSC computed is less than 61 days, no fulfillment is required. If ADSC computed is 61 or more days but less than 181 days, a 6-month ADSC applies.
2. The period of legal education cannot be used to satisfy previously incurred ADSC.
3. Total OBR and OZR training time counts in determining an ADSC, regardless of whether training is received at one or more technical training centers.
4. Formalized by USAF/NASA Memoranda of Agreement, July 15, 1965, and Oct. 5, 1967.

§ 888c.42 Physician or dentist training ADSC.

Rule	A If training is—	B And is conducted at a—	C For a period of—	D Then ADSC is—	E And is served—
1	Education leading to MD degree, Regular or Reserve officer (AFRs 36-13 or 36-25).			3 times length of course after completing internship (note 1).	Concurrently with existing ADSC.
2	Senior medical student program.			3 years after completing internship.	
3	Internship	Military facility		None	
4		Civilian hospital		1 year	Consecutively with existing ADSC.
5	Residency (note 2)	Civilian hospital or institution.		2 years for first year, plus 1 month for each additional/fraction month.	
6		Military facility (note 3).		1 year for each year, plus 1 month for each additional/fraction month.	
7	Postgraduate or professional education and training (note 2).	Civilian hospital or institution.	10 through 52 weeks.	2 years	
8			More than 52 weeks.	2 years, plus 1 month for each additional/fraction month.	
9		Military facility	10 through 52 weeks.	1 year	
10			More than 52 weeks.	1 year, plus 1 month for each additional/fraction month.	

NOTES: 1. Periods of duty performed at military locations are not included in the computation.
2. Fulfillment of ADSC previously incurred is suspended during attendance.
3. Required training in a civilian institution is considered continuation of military residency.

§ 888c.44 ADSC after elimination from training.

Rule	A If elimination is from—	B Conducted at a—	C And termination point was—	D Then ADSC is—
1	AFIT Minuteman Missile Combat Crew Education Program.		Less than 12 months	1 year.
2			12 months or more	2 years.
3	Medical/dental residency	Civilian hospital or institution.	Before completing 1 year	2 years.
4			After completing 1 year	2 years, plus 1 month for each additional/fraction month.
5		Military facility	Before completing 1 year	1 year.
6			After completing 1 year	1 year, plus 1 month for each additional/fraction month.
7	Medical postgraduate professional education.	Civilian hospital or institution.	Before 50% completed	Equal to incompleted portion.
8			50% or more completed	2 years.
9		Military facility	Before 50% completed	Equal to incompleted portion.
10			50% or more completed	1 year.
11	Medical education leading to MD degree.		Before completing 1 year	2 years.
12			After completing 1 year	2 years, plus 1 month for each additional/fraction month.
13	Other than medical services and categories in § 888c.32(f).		Less than 10 weeks	1 year.
14			10 or more weeks	2 years.

§ 888c.46 Acceptance of CRS while on AD.

A noncareer officer who later accepts CRS incurs an ADSC to serve a minimum of 4 years active service on his current tour, including 1 year as a career Reserve officer after acceptance.

§ 888c.48 Acceptance of Regular Air Force appointment.

ADSC are contained in § 888c.28.

§ 888c.50 Voluntary entry on AD.

ADSC are contained in § 888c.30.

§ 888c.52 Interservice transfer.

An officer of the Armed Forces of the United States who transfers voluntarily to the Air Force incurs the ADSC contained in §§ 888c.28 and 888c.30.

§ 888c.54 Continuation pay.

(a) A Medical Corps officer awarded continuation pay under AFR 36-8 (Continuation Pay for Medical Corps Officers) incurs a 1 year ADSC for each year he agrees to remain on AD. Effective date of ADSC is signature date of continuation statement or completion of his definitive service requirement as defined in AFR 36-8. Receipt or nonreceipt of continuation pay has no effect on requirement to fulfill other outstanding ADSC.

(b) No ADSC incurred by a Medical Corps Officer as a result of residency or professional education and training shall extend beyond the date he completes 8 years of AD as a Medical Corps officer, provided he is eligible to, and later does, execute a statement to remain on AD under AFR 36-8. If, at any time thereafter, the officer fails or is ineligible to execute consecutive AD statements under AFR 36-8 (which will require him to serve at least 1 year beyond the date to which he was otherwise committed), he will at that time incur an ADSC to remain on AD until 1 year after the date to which he would have been committed had this not been in effect. For officers subject to the provisions of this section, include the following statement in their continuation agreement: "I have read and understand the provisions of paragraph 21, AFR 36-51." Notwithstanding provisions of this paragraph, the UOR will reflect one of the following ADSC dates, whichever is later:

(1) That incurred from residency or professional education and training (rules 5 through and including 10, § 888c.42) plus 1 year.

(2) That incurred from execution of the continuation statement.

(c) If the CBPO or MAJCOM are unable to determine the proper ADSC for continuation pay, the case will be referred to USAFMPC (AFMSM).

§ 888c.56 Miscellaneous ADSC.

Under certain conditions USAFMPC (AFPMREB) establishes an ADSC on an individual basis to cover a unique situation. The individual must acknowledge

the ADSC in writing. Miscellaneous ADSC are handled by separate correspondence, and are recorded on the UOR.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-12565; Filed, Oct. 22, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[849.2, Rev. 3, Amdt. 2]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1967 AND SUBSEQUENT CROPS

Prevented Acreage Credit, Scope, Purpose, and Procedure

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, § 849.2 (32 F.R. 6432; 33 F.R. 11392; 34 F.R. 6237) is amended by revising the last sentence of paragraph (e) (2) to read as follows:

§ 849.2 Prevented acreage credit, scope, purpose, and procedure.

* * * * *

(e) * * *

(2) * * * Notwithstanding the foregoing provisions of this subparagraph, for the 1969 and subsequent crops, information of prevented acreage may be reported to a county committee after the date specified in this subparagraph if the county committee determines that the person reporting such information failed to file a timely report because of illness or other reason beyond his control.

* * * * *

Statement of bases and considerations. One of the conditions of eligibility of a sugar beet producer for prevented acreage credit is that information of such prevented acreage be reported or brought to the attention of the county committee by a prescribed date.

It has been brought to the attention of the Department that some farms which might otherwise be eligible for prevented acreage credit could not qualify for such credit because the operators of these farms failed to file a timely report for reasons beyond their control. This amendment provides that in such cases, those farms could be eligible for prevented acreage credit, beginning with the 1969 crop.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Secs. 302, 403, 61 Stat. 930 as amended, 932; 7 U.S.C., 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on October 17, 1969.

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

[F.R. Doc. 69-12679; Filed, Oct. 22, 1969; 8:48 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1970 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of evidence presented at the public hearing held in San Francisco, Calif., on July 23, 1969, the following determination is hereby issued:

§ 850.214 National acreage requirement, contingency acreage, and State acreage allocations.

(a) *National acreage requirement.* A national sugarbeet acreage requirement of 1,450,000 acres is hereby established for the 1970 crop of sugar beets.

(b) *Contingency acreage.* One thousand (1,000) acres are reserved from the national acreage requirement for use by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture. He may allocate it to States (1) to provide acreage, otherwise unavailable, for increases in shares granted by him on the basis of appeals made to him in accordance with Part 780 of this title, (2) for the purpose of rectifying misapplications of these regulations or errors in establishing shares, and (3) to provide acreage for other contingencies, the meeting of which are deemed necessary to carry out the operations of the Act.

(c) *State acreage allocations.* After deducting the acreage as heretofore provided in this section, the balance of the national acreage requirement totaling 1,449,000 is allocated to States by application of the following formula: The larger of (1) 70 percent of the 1969 acreage plus 30 percent of the 1967–68 average acreage, or (2) 85 percent of the highest acreage for any year during the period 1965–69. The resulting base acreages are then factored to the national acreage requirement less the contingency reserve. The acreage allocations resulting from application of this formula are as follows:

State	Acres
Arizona	26,845
Arkansas	58
California	293,290
Colorado	172,178
Idaho	178,093
Illinois	799
Indiana	42
Iowa	2,140
Kansas	39,662
Maine	19,532
Michigan	83,450
Minnesota	144,255
Missouri	176
Montana	61,003
Nebraska	77,628
Nevada	1,696
New Jersey	872
New Mexico	5,460
New York	15,638
North Dakota	83,915
Ohio	33,453
Oregon	21,687
Pennsylvania	1,000
Texas	40,784
Utah	30,008
Washington	56,393
Wyoming	58,943

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. As a condition for payment to producers, section 301(b) of the Act provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugar beets grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary pursuant to section 302 of the Act. The term "proportionate share" is the individual farm's share of the total acreage of sugar beets required to enable the producing area to meet its quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302(a) provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugar beets grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary.

Subsections (1), (2), and (5) of section 302(b) provide that in determining proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets; that the Secretary may also, in lieu of or in addition to the past production of farms, take into consideration the sugar beet production history of a person who was the farm operator during the base period in any State or substantial portion thereof in which he determines that sugar beet production is organized generally around persons rather than units of land, other than a State or substantial portion thereof wherein personal sugar beet production history of farm operators was not used generally prior to 1962 in establishing farm proportionate shares. Provision is also made that the Secretary shall insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants or sharecroppers, and of the producers in

any local producing area whose past production has been adversely, seriously and generally affected by drought, storm, flood, freeze, disease, or insects, or other similar abnormal and uncontrollable conditions.

General. Sugar production in the sugar beet area was less than the area's marketing quota for 3 successive years, 1965 through 1967. Production from the 1968 crop of 3.5 million short tons, raw value, exceeded marketings by about 400,000 tons and increased somewhat the badly depleted inventories.

This year approximately 1,660,000 acres were planted to sugar beets, an increase of 11 percent over the 1,495,465 acres planted to the 1968 crop. Conditions of the crop as of September 1 suggests that sugar production may be of the order of 3,820,000 tons—9 percent more than from the previous crop.

If that production is achieved, the effective inventory of beet sugar may increase from 2,651,000 tons at the beginning of this year to about 3,255,000 at the end. That level of stocks would be much more than adequate to assure that the area meets its marketing quota and, indeed, is about a quarter of a million tons in excess of a desirable level. In the absence of acreage restrictions, it is highly probable that production from the 1970 crop would add still more to the inventories. Accordingly, after three unrestricted crops, 1970 acreage must be restricted to avoid production greater than that needed to meet the quota and provide for carryover requirements.

Public hearing. A public hearing was held on July 23, 1969, in San Francisco, Calif., at which interested persons had the opportunity to testify on all matters relating to the establishment of 1970 crop proportionate shares, including the level of the National Sugar Beet Acreage Requirement. The Department presented a statement to serve as a basis for the discussion on the methods of carrying out a possible acreage restriction program.

The Government witness suggested that a National Acreage Requirement be established for the 1970 crop at a level estimated to be needed to enable the area to meet its quota and carryover requirements and made the following additional proposals:

1. A contingency of 1,000 acres would be established for use by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, for the purpose of correcting errors in establishing farm proportionate shares and to meet other contingencies.

2. The National Acreage Requirement less the reserve for contingencies would be distributed to States having an accredited acreage record in any of the years 1965 through 1969. A base acreage for each such State would be established at the larger of (a) 70 percent of the 1969 acreage plus 30 percent of the 1967–68 average acreage or (b) 90 percent of the highest acreage for any of the years 1965 through 1969. The resultant base acreages would be factored to the National Acreage Requirement less the contingency acreage.

3. Set asides of not less than one-half of 1 percent of each State allocation would be made for each of the three categories—new producers, adjustments in initial farm proportionate shares, and appeals.

4. Proportionate share allotment areas (such as an area served by one or more beet sugar companies) would be established at the option of the State ASC committee.

5. If allotment areas are involved, a base acreage for each area would be established (a) by applying the formula used to establish State bases or, (b) at the level of its largest accredited acreage during any of the years of 1965 through 1969 or (c) by giving a weighting of 70 percent to 1969 acreage and 30 percent to the 1967–68 average acreage.

6. Area allotments would be established by factoring area bases to the State allocation less the set-asides.

7. Individual farm bases would be established within each area of a State by use of one of the three formulae enumerated in item 5 for establishing area allotments, as selected by the State committee. In land history regions, the history of the farm (as constituted for 1970) would be used. In regions where the personal history of farm operators is permitted under the Sugar Act, and is used, farm bases would be calculated by using such personal records or a combination of land and personal history.

8. Initial farm proportionate shares would be established by factoring farm bases to area allotments less the set-asides or, where areas are not created, to the State allocation less the set-asides. Where appropriate, adjustments would be made in such shares.

9. Reallotment of unused acreage would be made first among farms within allotment areas and then among farms in other allotment areas of the State. Such reapportionment would not be made after a date approximately 30 days before the beginning of harvest in an allotment area.

All who testified or submitted briefs recognized the need to limit production. Representatives for the large majority proposed 1,425,000 to 1,450,000 acres as the national objective with most favoring the smaller figure. The majority of witnesses supported the principle of giving consideration to States with erratic production records as proposed by the Government as a base for State allotments. Most, however, felt that 90 percent weight to the largest crop in the last five for such States was too liberal and in view of that suggested 80 percent. Representatives of producers accounting for two-thirds of the 1969 acreage supported the proposal that 1969 acreage be given a weighting of 70 percent and the average of 1967–68 be given a weighting of 30 percent; producers accounting for 19 percent of 1969 acreage recommended a simple average of the 5-year period, 1965–1969; producers representing 8 percent recommended a 60 percent weight to 1969, a 30 percent weight to 1968, and a 10 percent weight to 1967, and producers representing 5 percent felt that 70 percent weight to the 1969 crop was insufficient. Processor representatives were about divided on the method of State allocations. One, speaking for three companies, supported the Department's proposal while another recommened the larger of the simple average of 1967, 1968, and 1969 acreages or 80 percent of the 1969 acreage.

The spokesman for a majority of the growers recommended that the formula used to establish State allocations also be used to establish area allotments and farm bases unless the use of another formula is justified by the State committee from the standpoint of equity. Other grower spokesmen recommended that the State committee be given wide discretion in this respect and, in the case of one of these spokesmen, other matters affecting the establishment of proportionate shares.

The processor representatives generally concurred in the submissions made by their grower counterparts regarding the 1970 program.

There was general agreement on the other proposals made by the Department at the hearing.

Determination. This determination establishes a national requirement of 1,450,000 acres, which is 12.7 percent less than plantings to the 1969 crop. Considering the acreages that will probably be planted within this limitation, and the estimated yield of sugar per acre, this acreage requirement should enable the sugar beet area to attain a relationship between the effective inventory and the following year's quota more in line with that suggested by the Congress (82 to 90 percent). Estimated production based on the national objective of 1,450,000 acres suggests that the resulting effective inventory on January 1, 1971, would amount to 94 percent of the expected 1971 marketing quota.

In determining State allocations, a base acreage was established for each sugar beet producing State at the larger of (a) 70 percent of the 1969 acreage plus 30 percent of the 1967–68 average acreage, or (b) 85 percent of the highest acreage for any year during the period 1965–69. The resulting base acreages were then factored to 1,449,000 (1,450,000 less the contingency reserve of 1,000 acres).

The determination of State allocations by this formula minimizes the year-to-year impact on growers of the reduction in acreage, yet recognizes to some extent stability of production, and enables States with erratic records to remain in production despite low acreages in most years.

The provisions of this determination provide an equitable basis for establishing proportionate shares for the 1970 crop of sugar beets.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Effective date. Date of publication.

Signed at Washington, D.C., on October 16, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-12678; Filed, Oct. 22, 1969; 8:48 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1970 Crop

Sec.

AUTHORITY: The provisions of §§ 850.215 to 850.229 issued pursuant to sec. 302 of the Sugar Act of 1948, as amended; secs. 301, 302, 403, 61 Stat. 929, 930, as amended; 932; 7 U.S.C. 1131, 1132, 1153.

§ 850.215 Definitions and general provisions.

(a) *Definitions.* (1) "Act," "Secretary," "Deputy Administrator or DASCO," "State Committee," "County Committee," "Producer," "Operator," "Personal History Area," "Farm History Area," "Share," and "Accredited Acreage" shall have the meaning set forth in Part 891 of this chapter.

(2) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(3) "Old-producer farm" means any farm for which a 1970 crop farm base is established pursuant to § 850.221.

(4) "New-producer farm" means a farm for which a 1970 crop farm base may not be established pursuant to § 850.221.

(5) "Base period" means one or more of the crop years of the period 1965 through 1969 selected by the State committee for establishing area allotments and farm proportionate shares.

(6) "County ASCS office" means the Agricultural Stabilization and Conservation County Office.

(b) *General provisions.* Regulations pertaining to general conditional payment provisions are set forth in Part 891 of this chapter. Regulations pertaining to certification of acreage and land use in lieu of farm inspection and measurement are set forth in Part 718 of this title and in § 891.17 of this chapter. Regulations governing requests and appeals by producers for reconsideration or review of determinations by county or State committees or the Deputy Administrator are set forth in Part 780 of this title and § 891.7 of this chapter. The national sugar beet acreage requirement, State acreage allocations and contingency reserve are set forth in § 850.214.

§ 850.216 Administration of proportionate share program.

(a) *State committee responsibilities.* In each State, the State committee shall be responsible for establishing farm shares in accordance with and as provided in this Part 850. The committee may obtain for its assistance the recommendations from individual growers, grower organizations, processors, and other interested persons at a meeting or meetings to be held by the committee.

(b) *Basic determinations.* The State committee shall make the following determinations in writing:

(1) The subdivision of the State into allotment areas, where applicable.

(2) Set forth the formula for determining area bases and the resultant allotment for each area within the limitations and provisions of § 850.217(b).

(3) Set forth the method for determining farm bases in each allotment area within the State and the extent, if any, that credit will be given for accredited acreages of farms in a personal history area within the provisions of § 850.221.

(4) The level of the acreage set-asides for new-producer farms and for farms operated by students on test plots under accredited educational programs.

(5) The minimum acreage which the committee determines is economically feasible to plant as a new-producer farm share and the method of distributing such new-producer farm shares.

(6) The level of each of the acreage set-asides for appeals and adjustments.

(7) The level of minimum shares for small old-producer farms, if such minimum is determined by the committee, and the level of the set-aside required to establish such minimum shares.

(8) Designation of county committees, if any, authorized to rate new-producer requests for shares.

(c) *Review by DASCO.* Determinations shall be reviewed by DASCO for conformity with the provisions of this part, shall be subject to the approval of DASCO before use and shall be available for public inspection in Agricultural Stabilization and Conservation Service State and county offices. The determinations for each State shall be effective when published in the FEDERAL REGISTER.

§ 850.217 Establishment of allotment areas and allotments therefor.

(a) *Dividing State into allotment areas.* Before establishing shares, the State committee may divide the State into allotment areas such as the territory(s) served by one or more beet sugar companies, a county or a group of counties. The committee shall divide the State acreage allocation established in § 850.214 among such allotment areas as provided in paragraph (b) of this section.

(b) *Establishing area bases and allotments.* Bases for areas within a State shall be established by the State committee by using one of the following: (1) The larger of (i) 85 percent of the area's largest accredited acreage during any of the years of 1965 through 1969, or (ii) 70 percent of the area's 1969 accredited acreage plus 30 percent of the area's 1967–68 average accredited acreage; (2) the area's largest accredited acreage during any of the years 1965 through 1969; (3) 70 percent of the area's 1969 accredited acreage plus 30 percent of the area's 1967–68 average accredited acreage or (4) such other formula selected by the State committee the need for which is justified to and approved by DASCO for application to one or more of the area's accredited acreage records during the years of 1965 through 1969. The State allocation less the set-asides required to be made under § 850.219 shall be prorated to allotment areas in accordance with the area bases.

(c) *State not divided.* If the State is not divided into allotment areas, the State shall be deemed to be one allotment area and farm bases and shares shall be established directly from the State allocation less the set-asides required under § 850.219.

§ 850.218 Request for shares.

(a) *Filing requests by operator.* The operator of a farm for the 1970 crop desiring a share shall file a request therefor on Form SU–100 with the local county ASCS office on or before the applicable State closing date shown in paragraph (e) of this section. A request for a share with respect to a farm to be operated by a corporation, association, partnership, or joint operators shall be made in the name of the corporation, association, or partnership or in the names of all joint operators.

(b) *Request filed by owner of land or prospective operator.* An owner of land which has an accredited acreage record in the base period when the operator of his 1970 farm is not known prior to the closing date for filing requests, or a prospective operator in a personal history area who has an accredited acreage record in the base period but who does not know prior to such closing date what land his 1970 farm will include, may file the request for share on or before the closing date. Such requests will be considered as preliminary requests to be used as a basis for establishing tentative shares. A completed Form SU–100 must be filed as provided in § 850.224(b) before a final share may be established.

(c) *Information required.* Except as provided in paragraph (b) of this section, each request shall specify the location of the land, and the identity of the farm, and shall include a statement that the person (or persons) signing the request will be the operator(s) of the farm described therein at the time of planting

1970 crop sugar beets thereon, that the land specified in the request is all of the land that he (or they) will farm in the State as the operator thereof for sugarbeet production, that he (or they) plans to continue as operator(s) of the farm throughout the 1970 crop season and that he (or they) will promptly notify the county committee of any change in operations of the farm made during the season. The name of the owner or lessor of the land comprising the farm, if different from the operator thereof, shall also be shown on the request.

(d) *Obtaining request forms.* A request form may be obtained from the local county ASCS office, from fieldmen of sugar companies or from such other source as the State committee may designate. The State committee shall publicize directions for filing such requests.

(e) *Closing dates.*

State	Closing date
Arizona:	
Early planting area	Nov. 28, 1969
Late planting area	Apr. 15, 1970
Arkansas	Feb. 13, 1970
California:	
Northern area	Oct. 31, 1969
Southern area	Mar. 30, 1970
Colorado	Jan. 30, 1970
Idaho	Dec. 31, 1969
Illinois	Mar. 2, 1970
Indiana	Mar. 2, 1970
Iowa	Mar. 2, 1970
Kansas	Jan. 30, 1970
Maine	Mar. 31, 1970
Michigan	Feb. 27, 1970
Minnesota	Jan. 30, 1970
Missouri	Feb. 13, 1970
Montana	Jan. 16, 1970
Nebraska	Jan. 16, 1970
Nevada	Feb. 13, 1970
New Jersey	Mar. 13, 1970
New Mexico	Feb. 2, 1970
New York	Mar. 13, 1970
North Dakota	Jan. 30, 1970
Ohio	Feb. 13, 1970
Oregon	Jan. 9, 1970
Pennsylvania	Feb. 13, 1970
Texas	Nov. 21, 1969
Utah	Jan. 30, 1970
Washington	Dec. 29, 1969
Wyoming	Jan. 23, 1970

(f) *Exceptions to closing date.* A request may be accepted after the closing date for consideration with respect to available acreage if the State committee determines that the person requesting a share was prevented from filing by such date due to illness or other reason beyond his control. Requests may be accepted generally by the State committee after the effective closing date if the total acreage requested by such date for old-producer farms is less than the acreages available for distribution (area allotment less acreage required to be set aside pursuant to § 850.219) to old-producer farms within the allotment area.

§ 850.219 Set-aside acreages for new producers and students, adjustments in old- and new-producer shares and appeals, and adjustments in shares of small old-producer farms.

(a) *New producers and students.* Not less than one-half of 1 percent of the State acreage allocation shall be set aside for new-producer shares and for farms operated by students on test plots under accredited agricultural education programs, except that such set-asides will not be required if the minimum acreage for a single new-producer share, as determined pursuant to § 850.216(b)(5) exceeds the minimum acreage required to be set aside pursuant to this paragraph.

(b) *Adjustments in old- and new-producer shares and for appeals.* Not less than one-half of 1 percent of the State acreage allocation shall be set aside for making adjustments in initial shares for old-producer farms as provided in § 850.223 and for adjustments in new-producer shares as provided in § 850.225(d). In addition, not less than one-half of 1 percent of the State allocation shall be set aside for making adjustments pursuant to written appeals filed under Part 780 of this title.

(c) *Adjustments in shares of small old-producer farms.* If the State committee determines that minimum shares shall be established for small old-producer farms, such acreage will be set aside as will permit increases in the shares that would otherwise be established for such farms to the minimum level so determined.

§ 850.220 Eminent domain.

A farm base shall be established as provided in § 850.221 for land which was removed from sugar beet production because of its acquisition, after the 1966 crop was harvested from the land, by a Federal, State, or other agency or entity entitled to exercise the right of eminent domain, either upon application to the State committee by the owner of the land so removed or in the absence of such application, by the State committee on its own initiative. If the removed land did not have a record of accredited acreage in one or more years of the base period because of its acquisition, the State committee shall consider that the sugar beet acreage would have continued during any one or more of such years except for the acquisition at the same level as the last year sugar beets were produced on such land for purposes of establishing a farm base. On the basis of the farm base so determined pursuant to this section a share shall be determined as provided in §§ 850.222 and 850.223 subject to the limitation provided in § 891.13 of this chapter. The share so determined shall be added to the 1970 crop share, if any, established pursuant to §§ 850.221, 850.222, and 850.223 for any other land in the same State owned by such owner to the extent requested in the application or shall be reserved to the extent not requested as provided in Part 891.

§ 850.221 Establishment of farm bases.

(a) *General.* (1) In a farm history area, a farm base shall be computed for each farm having an accredited acreage record during the base period and for which a request for share is filed pursuant to § 850.218 or for which a base is to be established pursuant to § 850.220. In a personal history area, a farm base shall be computed for each farm the 1970 crop operator of which has an accredited acreage record during the base period or to which farm accredited acreage history has been credited based upon the production record of the farm during the base period and for which a request for share is filed pursuant to § 850.218 or for which a base is to be established pursuant to § 850.220. In establishing farm bases from the State allocation or area allotment, the State committee shall use one or more of the formulae set forth in § 850.217(b). To give consideration to the factors of past production and ability to produce sugarbeets on the farm, the accredited acreage record of the farm or farm operator instead of the areas' accredited acreage record will be used in the formula set forth in § 850.217(b).

(2) The same formula shall be applied to the accredited acreage records of all farms or farm operators in an allotment area or in the State, if the State is not divided into allotment areas.

(b) *Farm history area.* If the farm is in a farm history area, the farm base shall be computed by applying the formula selected by the State committee to the accredited acreage record of the farm (as constituted for the 1970 crop year) during the base period.

(c) *Personal history area.* If the farm is in a personal history area, the farm base shall be computed by applying the formula selected by the State committee (1) to all or a portion of the accredited acreage record of the farm operator within the State or allotment area, or (2) to the larger of all or a portion of the accredited acreage record of the farm operator or all or a portion of the accredited acreage record of the farm or (3) to a combination of all or a portion of the accredited acreage record of the farm and all or a portion of the accredited acreage record of the farm operator.

(d) *Use of personal accredited acreage by person or entity other than the one earning it.* In a personal history area in cases involving death, retirement, or incapacity of an operator; the merger or consolidation of two or more corporations; the farming of corporations or the dissolution of corporations; the initiation of joint operations and in cases involving the dissolving of partnerships, the crediting of accredited acreage records to persons or entities who did not earn such record shall be handled in accordance with § 891.11 of this chapter. A farm base shall be established for the farm operated by the persons or entity credited with such a record pursuant to paragraph (c) of this section on the basis of the record so credited.

§ 850.222 Establishment of initial shares for old-producer farms.

(a) *Limitation.* The initial share determined for any old-producer farm shall not exceed the acreage requested for such farm.

(b) *Farm bases equal to or smaller than area allotment.* In any allotment area in which the total of farm bases is equal to or smaller than the area allotment less the set-asides made pursuant to § 850.219, initial shares for old-producer farms for which the requested acreages are equal to or less than their

farm bases shall coincide with the requested acreages. The initial shares for other farms shall be computed by prorating to such farms in accordance with their respective bases the area allotment less the set-asides under § 850.219 and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases.

(c) *Farm bases exceed area allotment.* In any allotment area in which the total of farm bases exceeds the area allotment less the set-asides of acreage made pursuant to § 850.219 initial shares shall be computed by prorating the area allotment less such set-asides and required acreages to the old-producer farms in accordance with their respective bases.

§ 850.223 Adjustments in shares for old-producer farms.

Initial shares for old-producer farms shall be adjusted by the State committee, within the acreage set-asides for such purpose plus any acreage available in excess of initial shares, to the extent determined by it to be necessary to establish a share for each old-producer farm which is fair and equitable, as compared with all other such farms in the allotment area, by taking into consideration (1) availability and suitability of land, (2) area of available fields, (3) crop rotation practices, (4) availability of irrigation water (where irrigation is used), (5) adequacy of drainage, (6) availability of production and marketing facilities, and (7) the production experience of the operator.

§ 850.224 Establishment of shares for old-producer farms.

(a) *Established share.* Except as otherwise provided in this section, the 1970 share for any old-producer farm shall be the initial share determined pursuant to § 850.222 plus the adjustment, if any, made pursuant to § 850.223.

(b) *Tentative share.* The State committee shall establish a tentative share pursuant to a request filed by an owner or a prospective operator in a personal history area pursuant to § 850.218(b) pending the filing of a completed request for a share in full detail as required under § 850.218 and as provided in this paragraph (b) within 60 days or such longer time established by the State committee following the closing date established in § 850.218 or such later date as provided in § 850.218(f). An owner who files a request pursuant to § 850.218(b) will not have a share finally established for his farm until the person who will be the operator of the farm for the 1970 crop year signs Form SU–100 as operator of the farm described thereon. A prospective operator who files a request pursuant to § 850.218(b) will not have a share finally established for his farm until he furnishes the county committee the identity of the land he will operate for the 1970 crop. The computation of a tentative share shall not constitute the establishment of a share, but will serve simply as a representation that a share may be established upon the filing of a fully completed request for a share in the time and manner as provided in this paragraph (b).

(c) *Establishing minimum shares for small old-producer farms and limitations.* In any allotment area wherein the State committee has established a minimum share level for small old-producer farms, the shares that would otherwise be established for such farms will be increased to such minimum level so determined and within the acreage set-aside under § 850.219(c). No share for a small old-producer farm shall be established in excess of the acreage requested or in excess of a reasonable percentage of the cropland suitable for the production of sugar beets. No increase shall be made under the minimum share provision for any 1970 crop farm which was a part of a farm in the base period which was subdivided for the 1970 crop, unless the county committee determines that each subdivision is operated as a separate farm and that the subdivision was not made for the purpose of obtaining increases pursuant to the minimum share provisions.

(d) *Correction of share if smaller than correct share.* If the share for any farm was established by the use of incorrect data, resulting in a share smaller than the share that would have been established by the use of correct data, such share shall be increased to the correct level from acreage available within the State acreage allocation or, if no acreage is available in such allocation, the case shall be sent to DASCO for appropriate action.

§ 850.225 Establishment of shares for new-producer farms.

(a) *Limitation on establishment of new-producer farm shares.* The acreage to be used in establishing shares for new-producer farms and for student educational test plots shall be that set-aside pursuant to § 850.219, and any other unused acreage that the State committee determines shall be used for that purpose. A new-producer farm share shall not be established in excess of the requested acreage. For the purposes of this section, an ownership tract means a farm or portion of a farm which is separately owned. Except for student educational test plots, a farm may not be considered as a new-producer farm, if (1) in an area where farm history only is used in establishing shares the farm includes all or a part of a separate ownership tract and such tract has an accredited acreage record in the base period, (2) in an area where personal history only is used in establishing shares the operator of the farm has an accredited acreage record in the base period, or (3) in an area where the larger of the farm or personal history is used or a combination of farm and personal history is used in establishing shares, the farm includes all or a part of a separate ownership tract and such tract has an accredited acreage record during the base period or the operator of the farm has an accredited acreage record in the base period.

(b) *Distribution of new-producer farm acreage.* The State committee shall determine whether distribution of acreage will be made on the basis of the entire State, allotment areas or on the basis of counties or groups of counties within allotment areas. If distribution is made on the basis of counties or groups of counties, such distribution shall be made in multiples of the minimum economic unit of acreage determined as provided in § 850.216(b)(5) (rounding fractional units) and shall be prorated on the basis of the total 1970 crop farm bases of old-producer farms in each county, or groups of counties or on such other basis as is approved by DASCO and set forth in the standards and procedures published in the FEDERAL REGISTER.

(c) *Basis of rating new-producer requests.* Shares shall first be established for such farms as the State committee determines are being operated by students as educational test plots. Thereafter, shares shall be established for other farms which are to be operated by new-producers during the 1970- crop year. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, the State committee (or such county committees as are designated by the State committee under § 850.216), shall rate each request as outstanding, well-qualified or less qualified by taking into consideration, (1) the availability and suitability of land, (2) availability of irrigation water (where irrigation is used), (3) adequacy of drainage, (4) the sugar beet production experience of the operator, (5) the availability of production and marketing facilities and (6) such other factors as the State committee determines are pertinent and which are published in the FEDERAL REGISTER. In considering availability of marketing facilities the combined costs to the producer and the processor for transporting beets from the farm to the nearest beet sugar factory, within broad rate limits, may be taken into account.

(d) *Priority and method of selection.* To be rated as "outstanding" an applicant must have had significant sugar beet production experience (either as a grower in years prior to the base period or as a participant in a beet operation) and must rate at least well-qualified on all other items of consideration. If there is sufficient acreage available, minimum shares or a lesser acreage if requested shall be established for all new-producer farms whose operators are rated outstanding. However, if the State committee determines that the share established for the farm of any such operator does not fully recognize the production experience of the operator such share may be adjusted from acreage set aside pursuant to § 850.219(b) to a level commensurate with such experience by taking into consideration the factors enumerated in paragraph (c) of this section. It there is not sufficient acreage available for new producers within an allotment area, county or group of counties, to establish minimum new-producer farm shares or lesser shares, if requested, for all new-producer farms whose operators are rated oustanding, minimum shares or a lesser acreage, if requested, shall be established for those farms

whose operators are rated as outstanding and who are selected by lot.

(1) If, after establishing shares for the farms of operators rated as outstanding, there is new-producer farm acreage remaining, minimum shares or a lesser acreage, if requested, shall be established for new-producer farms of all operators rated as well-qualified. If there is not sufficient acreage to establish such shares for all the farms of the operators so rated, shares shall be established for those farms whose operators are rated as well-qualified and who are selected by lot.

(2) Each drawing by lot shall be supervised by a representative of the State committee, or by a representative of the county committee designated by the State committee if the distribution of new-producer farm acreage is made by counties or groups of counties. Persons who will be included in the drawing shall be given an advance notice and opportunity to attend. The names (or corresponding numbers) shall be placed in a container and shall be indistinguishable to the person making the draws. Before the drawing the person in charge shall announce how the selections will be made.

(e) *Remaining acreage in new-producer acreage set-aside.* Any acreage remaining in the new-producer farm acreage set-aside after the determination of shares pursuant to paragraph (d) of this section shall be allotted by increasing the shares determined under paragraph (d) of this section for farms for which acreage is requested in excess of the minimum share determined as provided in § 850.216(b)(5), but not in excess of the acreage requested for the farm or appreciably larger than the shares for comparable old-producer farms in the same allotment area. Any remaining unused acreage of the new-producer farm set-aside shall be available for distribution to other farms.

§ 850.226 Establishing shares to coincide with requested or planted acreages.

(a) *Shares to coincide with requested shares.* If the total acreage requested in an allotment area does not exceed the area allotment at the expiration of a reasonable time for the acceptance of requests generally following the closing date, the shares for both old and new producers in the allotment area may be established by the State committee so as to coincide with the requested acreages without carrying out the detailed procedure otherwise required under § 850.221 through § 850.225. In establishing shares under this paragraph (a), if the State committee finds that the share requested is not compatible with the acreage on the farm suitable for the production of sugar beets or is not consistent with a sound crop rotation system the committee may reduce the share requested to an acreage which it determines is compatible for the farm in consideration of such two factors.

(b) *Shares to coincide with planted acreages.* If, after shares have been established and notices thereof furnished producers, it is determined by the State committee that the total acreage planted in any State does not exceed the allocation for the State, the shares for both old- and new-producer farms in such State may be revised by the State committee so as to coincide with the planted acreages on the farms: *Provided:* That if the county or State committee determines for a farm that the acreage has not been timely reported in accordance with § 891.17 of this chapter, or was knowingly incorrectly reported by the farm operator and either of such committees determines that the planted acres exceed the share for the farm, a share shall not be established to coincide with the planted acreage. A general notice shall be individually mailed to producers informing them that the shares for their farms have been revised to coincide with their respective planted acreages.

§ 850.227 Distribution of unused acreage.

(a) *Final date for redistribution of unused acreage.* Revisions in shares may be made within the allotment area or counties therein in accordance with procedures established by the State committee to offset underplantings and failure to plant, including unplanted acreage released pursuant to Part 895 of this chapter. Such revisions may be made during the crop season, but not later than 30 days prior to the beginning of harvest in the State, allotment area, or individual counties therein as determined by the State committee, except that in the northern allotment area of California such redistribution of acreage shall not be made after October 1, 1970, unless a later date is approved by DASCO.

(b) *Source of use and unused acreage.* Subject to the conditions specified in paragraph (c) of this section, any acreage within shares established for farms in an allotment area pursuant to §§ 850.224 and 850.225, which is not planted, and any set-aside acreage available under § 850.219 which is not used for the purpose specified in such section may first be used to increase the shares of other farms in the same allotment area which may use additional acreage. Acreage remaining unused may then be reallotted by the State committee among other areas within the State for distribution to farms in such areas which may use additional acreage.

(c) *Reduction in shares.* The share for any farm from which unused acreage is recovered and distributed as provided in paragraph (b) of this section shall be reduced to the acreage of sugar beets planted thereon: *Provided, however,* That in case of a disagreement between producers and a sugar beet processor with respect to the sugar beet purchase contract to be effective in the settlement area, or where no company offers a contract to producers to cover fully the shares for their farms, the shares allotted for the farms operated by such producers shall not be reduced unless the affected producers voluntarily agree in writing to reductions in their respective shares or the State committee determines that such shares should be reduced because of unusual circumstances and for good cause and that the involved acreages should be reallotted by the State committee to other producers.

§ 850.228 Determination of shares for reconstituted farms.

For the purpose of this section, the division or combination of a farm or farms and the reconstitution of a farm or farms shall be those which give effect to the definition of a farm set forth in Part 822 of this chapter and the definition of an operator in Part 891 of this chapter. Shares for farms that are reconstituted after shares have been established shall be redetermined as follows:

(a) *Reconstitution of old-producer farms.* Subject to the provisions of § 850.229, if any old-producer farm for which a 1970 crop share is established is reconstituted, the share shall be canceled and a farm base and share established for the reconstituted farm and parts thereof, within acreage available, pursuant to §§ 850.221, 850.222, and 850.224. Production records for subdivisions of farms shall be determined as provided in § 891.11 of this chapter. Any unused proportionate share acreage resulting from the establishment of a share for a subdivision of a farm may be used by the county committee to adjust the share established for any other subdivision of the same farm on which the acreage planted to sugar beets exceeds such share.

(b) *Reconstitution of new-producer farm.* If a farm for which a new-producer share is established is reconstituted before planting, such share shall be canceled, except that if the share was issued for a farm in a personal history area and the operator thereof retains sufficient land having no accredited acreage in the base period to permit the use of the share, the share shall be assigned to the operator's reconstituted farm. If a farm for which a new-producer share is established is reconstituted after planting, such share shall, subject to the provisions of § 850.229 in a personal history area, be added to the share, if any, determined for other land with which it is combined to obtain a share for the combined farm or, in the case of a subdivision of the farm, such share shall be divided among the subdivisions on the basis of the planted sugar beet acreage on each subdivision.

§ 850.229 Improper use of personal history record in establishing shares.

(a) *Changes in farm operators.* Except as provided in paragraphs (b) and (c) of this section, if the county committee determines that any farm for which a 1970 crop share was established by giving consideration to the personal history of a person (or persons) is being operated jointly with or is being operated by another person (or persons), the share for the farm shall be canceled and a new farm base and share shall be established for the farm in accordance with the provisions of §§ 850.221, 850.222, and 850.224.

(b) *Exceptions for family operations.* In any case where the county committee determines that a sugar beet operation is a joint operation conducted exclusively by the members of the immediate family of the person who contributed the personal acreage history record which was considered in establishing the share for the farm, the share established on such basis shall remain in effect. For the purpose of this paragraph (b) the term "immediate family" is limited to persons who have a relationship to the persons credited with the personal sugar beet production records of spouse, father, mother, brother, sister, children, and grandchildren regardless of whether such persons reside in the same household.

(c) *Recognition of changes.* In any case when planting has occurred and the county committee is satisfied that the changes in operations described in paragraph (a) of this section were not made as an attempt to transfer a share or share history, it may make an exception and recognize the share as originally established. In determining whether to make an exception, the county committee shall determine if the person (or persons) whose personal history was considered in establishing the original share for the farm was the operator as provided in Part 891 of this chapter at the time sugarbeets were planted on the farm or that the joint enterprise, or transfer of operations to another person (or persons) represents normal sound operational arrangements which would be undertaken in the absence of sugarbeet acreage controls.

STATEMENT OF BASES AND CONSIDERATIONS

The statement of bases and considerations issued in conjunction with § 850.214 sets forth the Sugar Act requirements regarding the establishment of proportionate shares, the conditions for payment to producers, the establishment of the National and State acreage allocations and the contingency reserve. Also contained in that statement is a summary of the Department's proposals which were presented for discussion purposes at the public hearing held in San Francisco on July 23, 1969, and a summary of the testimony presented at the hearing and in briefs with respect to establishing State allocations.

At the hearing, the spokesman for a majority of the growers recommended that the formula used to establish State allocations also be used to establish area allotments and farm bases unless the use of another formula is justified by the State committee from the standpoint of equity. Other grower spokesmen recommended that the State committee be given wide discretion in this respect and, in the case of one of these spokesmen, other matters affecting the establishment of proportionate shares.

The processor representatives generally concurred in the submissions made by their grower counterparts regarding the 1970 program.

There was general agreement on the other proposals made by the Department at the hearing.

Determination. As suggested in the Department's press release of July 3, 1969, and at the public hearing, provision is made for set-asides from each State allocation of not less than one-half of 1 percent for each three purposes—(1) establishing shares for new producers, including new-producer farms operated by students as educational test plots, (2) making adjustments in initial shares, and (3) making adjustments pursuant to appeals. State committees may increase the amounts of the set-asides to meet conditions in the State and in the individual allotment areas. Where allotment areas are involved, the minimum set-asides need not apply to each area. However, in total, the set-asides from the State allocation must at least equal the minimum for each of the three categories provided in this determination.

Provision is made for the establishment of base acreages for allotment areas by use of a formula selected by the State committee from among those set forth in the determination or such other formula the use of which is justified to and approved by DASCO.

Farm bases will be established by use of one of the formulae permitted for use in establishing area allotments.

While some of those presenting testimony on the 1970 program urged the use of the same formula in establishing area and farm base acreages as is used for establishing State allocations, other recommended that latitude be accorded State committees in this respect. As for past proportionate share programs, this regulation provides that in carrying out their responsibilities under the program State committees may obtain recommendations from affected and interested persons, including growers, growers organizations, and processors. Thus, full opportunity is given for a careful examination of the differing conditions within the parts of States and to select formulae that will result in the greatest degree of equity. This regulation does provide for the utilization of only one formula in an allotment area or State if the State is not divided into allotment areas. Where, because of production patterns or other conditions, it is deemed necessary to apply a different formula to achieve equity for farms or farm operators located in what would ordinarily be considered as a single allotment area, consideration should be given to establishing separate areas or to making necessary adjustment in shares by increased set asides for such purpose.

Provision is included for the use of all or a part of the personal production records of farm operators in areas where such records were used to establish shares prior to 1962, or if shares were not established prior to 1962, the State committee is authorized to use such records. In localities where a combination of land and personal history is used, State committees are urged to utilize formulas that will simplify operations under the program and the understanding thereof, as well as minimizing inflation of farm bases.

With the reinstitution of proportionate shares, the provision of Part 895, Release and Reallotment of Sugar Beet Proportionate Share Acreage, again become applicable. Under that part, if a farm operator releases all or a portion of the proportionate share established for his farm because of crop rotation or reason beyond his control and such cause is approved by the county committee of the headquarters county, the individual operator (or his farm) will receive history credit for the amount of the proportionate share so released. Such released acreage may be redistributed to other farms in the allotment area or to farms in other areas within the State but the farm operators (or the farms) utilizing such released share acreage will not receive history credit. This provision replaces the provisions relating to prevented acreage credits which is in effect for crops when proportionate shares are not established.

Other provisions of this determination are very similar to those for past sugar beet proportionate share programs. As under past programs, the State ASC committees will develop the programs for their States (within the provisions of this determination) and carry them out.

The provisions of this determination provide an equitable basis for establishing proportionate shares for the 1970 crop of sugar beets.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date: Date of publication.

Signed at Washington, D.C., on October 17, 1969.

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

[F.R. Doc. 69-12677; Filed, Oct. 22, 1969; 8:48 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

PART 873—SUGARCANE: FLORIDA

Fair and Reasonable Prices for 1969 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Belle Glade, Fla., on July 1, 1969, the following determination is hereby issued:

Sec.
873.31 General requirements.
873.32 Definitions.
873.33 Basic price.
873.34 Conversion of net sugarcane to standard sugarcane.
873.35 Molasses payment.
873.36 Other related specifications.
873.37 Toll agreements.
873.38 Applicability.
873.39 Subterfuge.
873.40 Processor mill procedures and checking compliance.

AUTHORITY: The provisions of §§ 873.31 to 873.40 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 873.31 General requirements.

A producer of sugarcane in Florida who is also a processor of sugarcane, to which this part applies as provided in section 873.38 herein (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1969 crop grown by other producers and processed by him, or shall have processed sugarcane of other processors under a toll agreement, in accordance with the following requirements.

§ 873.32 Definitions.

For the purpose of this part, the term:

(a) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 10 domestic contract, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this part which he determines will reflect the true market value of raw sugar.

(b) "Season's average price of raw sugar" means (1) the weighted average price of raw sugar for the months in which 1969 crop sugar is delivered to the purchaser, determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1969 crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (2) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner.

(c) "Raw sugar" means raw sugar, 96° basis.

(d) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor.

(e) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(f) "Standard sugarcane" means net sugarcane containing 12.5 percent sucrose in the normal juice.

(g) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(h) "Average percent sucrose in normal juice" means (1) the average percent crusher juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (2) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producers' sugarcane.

(i) "Average percent crusher juice sucrose" means the percentage of sucrose in undiluted crusher juice as determined by direct analysis in accordance with standard procedures.

(j) "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice extracted by a mill tandem as determined by multiplying factory dilute juice purity by factory normal juice Brix.

(k) "Factory crusher juice sucrose" means the percentage of sucrose in undiluted crusher juice as determined by direct analysis.

(l) "Average percent sample mill juice sucrose" means the percentage of sucrose solids in juice extracted from samples of each producer's sugarcane by the sample mill.

(m) "Factory normal juice Brix" means the percentage of soluble solids in undiluted juice extracted from sugarcane by a mill tandem as determined by multiplying factory crusher juice Brix by a dry milling factor representing the ratio of factory normal juice Brix to factory crusher juice Brix.

(n) "Factory crusher juice Brix" means the percentage of soluble solids in undiluted crusher juice as determined by direct analysis.

(o) "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix which are determined by direct analysis.

(p) "State office" means the Florida State Agricultural Stabilization and Conservation Service Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

(q) "State committee" means the Florida State Agricultural Stabilization and Conservation Committee.

§ 873.33 Basic price.

(a) The basic price for standard sugarcane shall be not less than $1.12 per ton for each 1 cent per pound of the season's average price of raw sugar.

(b) The basic price for salvage sugarcane shall be as agreed upon between the processor and producer, subject to the approval of the State office.

§ 873.34 Conversion of net sugarcane to standard sugarcane.

Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice	*Standard sugarcane quality factor* [1]
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

§ 873.35 Molasses payment.

The processor shall pay to the producer for each ton of net sugarcane delivered an amount equal to the product of 5.9 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, basis, f.o.b. tank truck or railroad car at mill, sold during the 12-month period ending May 31, 1970. If the processor sells molasses for his own account and for the account of another processor the weighted average net sales price of molasses for all processors involved shall for the purpose of this section be determined on the basis of the price at which all molasses was sold by such processor during such 12-month period.

§ 873.36 Other related specifications.

(a) The price for sugarcane established by this part is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill. If sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs). If the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(b) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1969 crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(c) Nothing in paragraph (b) of this section shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State office.

(d) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State office upon a determination by the State committee that the payment is fair and reasonable.

(e) The processor shall submit to the State office for approval (1) a statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; and (2) a statement setting forth the gross proceeds and

the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses.

§ 873.37 Toll agreements.

The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

§ 873.38 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane purchased by a cooperative processor from nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 873.39 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this Part through any subterfuge or device whatsoever.

§ 873.40 Processor mill procedures and checking compliance.

The procedures to be followed by processors in determining net surgarcane, trash, average percent sucrose in normal juice, average percent crusher juice sucrose, factory normal juice sucrose, factory crusher juice sucrose, average percent sample mill juice sucrose, and other related mill procedures and required reports are set forth in Handbook 9–SU entitled "Sampling, Testing, and Reporting for Florida Sugar Processors," copies of which have been furnished each processor. The procedures to be followed by the State office in checking compliance with the requirements of this part are set forth under the heading "Fair Price Compliance" in Handbook 3–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbooks 9–SU and 3–SU may be inspected at county ASCS offices and copies may be obtained from the Florida State ASCS Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1969 crop grown by other producers.

Requirements of the act. Section 301 (c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for a public hearing.

1969 crop price determination. This determination continues the provisions of the 1968 crop determination without change.

At the public hearing held in Belle Glade, Fla., on July 1, 1969, interested persons were afforded the opportunity to present their views on fair and reasonable prices for 1969 crop Florida sugarcane. A witness testifying on behalf of the United States Sugar Corporation recommended that the present method and frequency of determining the quantity of trash in mechanically harvested sugarcane remain unchanged. The witness stated that U.S. Sugar experimentally cut and loaded about 31,000 tons of sugarcane with one mechanical harvester during the 1968 harvest; that the machine was operated with a crew of nine hand cutters who removed excessive trash from the cane; that samples of the cane indicated an average trash content of 5.6 percent, as compared to an average of 6 percent in all cane delivered to the mill which crushed the machine-cut cane; and that a requirement for special methods of determining trash in machine harvested cane would place an unnecessary burden on factory personnel. He also stated that the company intends to use several harvesters simultaneously in 1969–70 to ascertain the problems of operating more than one machine in a field, but that the cane should be as free of trash as in the past since hand cutters will again be used with the machines.

Consideration has been given to the testimony presented at the public hearing and to other pertinent information. The returns, costs, and profits of producing and processing sugarcane, obtained by field survey for recent crops, have been recast in terms of prospective price and production conditions for the 1969 crop. Analysis of these data indicates that the relationship established between producers and processors for the sharing of total returns on the basis of their share of total costs, as provided in the 1968 crop determination, continues to be equitable for the 1969 crop.

The determination provides that the molasses payment to producers is to be based on 5.9 gallons of blackstrap molasses per net ton of sugarcane, the same as last year. There was no change in the 5-year average recovery of molasses from sugarcane.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hearby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date: This determination shall become effective upon publication in the FEDERAL REGISTER and is applicable to the 1969 crop of Florida sugarcane.

Signed at Washington, D.C. on October 16, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-12680; Filed, Oct. 22, 1969; 8:48 a.m.]

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

[947.328 Amdt. 1]

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

Limitation of Shipments

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

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area are now being made, (2) to maximize benefits to producers, this amendment should apply to as many shipments as possible during the effective period, (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves the cleanliness requirement on tablestock shipment of production area potatoes.

Order, as amended. Paragraph (a) of § 947.328 (34 F.R. 11136) is amended to read as follows:

§ 947.328 Limitation of shipments.

* * * * *

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

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

* * * * *

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

Dated: October 17, 1969, to become effective October 18, 1969.

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

[F.R. Doc. 69-12632; Filed, Oct. 22, 1969; 8:45 a.m.]

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

Expenses and Rate of Assessment

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

(b) It is hereby further found that it is impracticable and unnecessary to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this action until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such fiscal period, and (2) the current fiscal period began July 1, 1969, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

§ 947.222 Expenses and rate of assessment.

(a) The expenses the Secretary finds are reasonable and likely to be incurred by the Oregon-California Potato Committee for its maintenance and functioning pursuant to Marketing Agreement No. 114 and this part during the fiscal period ending June 30, 1970, and for such other purposes as the Secretary determines to be appropriate will amount to $34,585.

(b) The rate of assessment to be paid by each handler in accordance with the said marketing agreement and this part shall be three-tenths of 1 cent ($0.003) per hundredweight, or equivalent quantity, of potatoes handled by him, as the first handler thereof during said fiscal period.

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

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

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

Dated: October 20, 1969.

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

[F.R. Doc. 69-12688; Filed, Oct. 22, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Acting as Trustee, Conversion Agent, and Paying Agent

§ 211.105 Acting in the United States as trustee, conversion agent, and paying agent of securities issued to finance foreign activities and distributed only outside the United States.

Section 211.5(b)(2) of Regulation K provides that a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge corporation") may not "act in the United States as trustee, registrar, or in any similar capacity, with respect to securities distributed in the United States." Under § 211.7(d)(7) of Regulation K an Edge corporation is permitted to "act [in the United States] as paying agent for securities issued by foreign governments or other organizations organized under foreign law and not qualified under the laws of the United States or any State or the District of Columbia to do business in the United States."

Many large corporations in the United States have formed subsidiaries to issue securities abroad to finance their international operations. The question has therefore arisen whether an Edge corporation may act in the United States as trustee, conversion agent, and paying agent for securities issued to finance foreign activities and distributed only outside the United States, even though the issuer is organized and therefore legally qualified to do business in the United States.

Nothing in section 25(a) specifically authorizes an Edge corporation to act as fiduciary. In fact, a grant of certain fiduciary powers so far as "necessary" in an Edge corporation's international business was deleted from the Edge Act prior to its enactment as being unnecessary in relation to the purposes for which Edge corporations were to be organized.[1] It therefore seems clear that an Edge corporation does not have power generally to act as fiduciary in the United States.

On the other hand, a primary Congressional objective in authorizing the organization of Edge corporations was to facilitate the development of international and foreign commerce. It would not therefore seem inappropriate for Edge corporations to perform in the United States the limited functions connected with acting as trustee, registrar, and in similar capacities with respect to securities sold abroad to finance such commerce. Nor would it seem improper for Edge corporations, as an incident of their power to receive deposits, to act as paying agent for such securities, even if the issuer happens to be organized and therefore legally qualified to do business in the United States.

The Board therefore concluded that an Edge corporation may act in the United States as trustee, registrar, conversion agent, and paying agent with respect to any particular class of securities issued solely to finance foreign activities and distributed only outside the United States, since acting in such limited capacities in the United States seems clearly incidental to the exercise of specific powers granted to Edge corporations by statute for the purpose of financing international and foreign commerce.

By order of the Board of Governors, October 15, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-12633; Filed, Oct. 22, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9114; Amdt. 61-44]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Miscellaneous Amendments

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to: (1) Change the minimum total pilot flight time required by § 61.145 (b)(2) as aeronautical experience for an airline transport pilot certificate with an airplane rating to 1,500 hours (from 1,200 hours within the 8 years before the date of application), and delete the requirement that this flight time must include 5 hours within the 60 days before the application; (2) allow a commercial pilot to credit toward that flight time a

[1] See 58 Congressional Record 4954 (1919) (remarks of Senator Edge).

limited kind and amount of flight engineer flight time acquired while serving in the latter capacity in airplanes required to have flight engineers by their approved Aircraft Flight Manuals, in operations conducted under Part 121 of the Federal Aviation Regulations and while participating at the same time in a pilot training program approved under Part 121; (3) allow a commercial pilot to credit toward that flight time all of the flight time logged as second in command in airplanes required to have more than one pilot by their approved Aircraft Flight Manuals or their airworthiness certificates, in operations conducted under Part 121 (instead of only 50 percent, as previously limited); (4) allow an applicant to substitute one night takeoff with a landing to a full stop for each hour of required night flight time (but not more than 25 hours), this substitution to be allowed, however, only after the applicant already has made 20 night takeoffs with landings to a full stop; (5) require an applicant for an airline transport pilot certificate with an airplane rating to have the minimum 250 hours of flight time as pilot in command (or as copilot performing the duties and functions of a pilot in command under the supervision thereof), specified by § 61.145(b)(1), in airplanes; and (6) change the certificate endorsement reference prescribed in § 61.145(c) to 150 hours as pilot in command (from 250 hours), and thereby make the endorsement consistent with Annex 1 to the Convention on International Civil Aviation, and add a similar endorsement requirement appropriate as a result of items (2) and (3). Finally, a number of miscellaneous amendments are made to this part to remove obsolete or inconsistent provisions.

These amendments, other than the miscellaneous amendments and the additional certificate endorsement provision, were proposed in Notice No. 68-21, and published in the FEDERAL REGISTER on September 10, 1968 (33 F.R. 12780). Forty-two public comments were received on the notice. Six comments concurred with the proposals, eight comments were generally opposed to them, and the remaining 28 comments were favorable to most of the proposals.

Eight comments opposed increasing the total flight time requirement to 1,500 hours from 1,200 hours (within the preceding 8 years). Some of these comments expressed concern that the changed rule would favor operations under Part 121, asserting that a second in command under Part 121 could now be credited with a large number of hours toward an airline transport pilot certificate, earned while flying for pay, whereas this would not necessarily be so in the case of a general aviation pilot. However, these comments do not take into account the differences between pilot experience gained in small aircraft flown for pleasure and the experience plus training and checking obtained by a pilot or other flight crewmember for a Part 121 operator. Fourteen other comments opposed allowing all second-in-command time in Part 121 operations to be credited toward airline transport pilot certificate qualification without allowing other pilots, principally corporate, the same privilege. These comments stated that the training given voluntarily by certain operators, principally corporate, is as good as training given by operators under Part 121. However, crediting 100 percent of flight time for these persons is beyond the scope of the notice here, but it will be considered for future rule-making action.

Five comments were in favor of retaining the currency-of-experience requirements, and three comments urged removal of the requirements. As stated in the notice, the currency-of-experience requirements in § 61.145(b)(2) have presented problems to the FAA, requiring the processing of numerous requests for relief. The original purpose of the provisions was to safeguard the public from the possibility that a pilot with an airline transport pilot certificate would be allowed to exercise the privileges of that certificate without having been in an airplane for a considerable length of time. However, flight operations under Part 121 of the Federal Aviation Regulations are the only ones for which an airplane pilot must hold an airline transport pilot certificate, and that part provides for comprehensive training programs, and for proficiency and currency requirements. Accordingly, it is considered that safety will not be adversely affected by deleting the currency-of-experience requirements from § 61.145(b)(2).

Thirteen comments opposed allowing flight engineer time to be credited toward airline transport pilot certificate qualification. However, as stated in the notice, when a flight engineer holding a commercial pilot certificate participates in a Part 121 approved pilot training program, the experience there gained in conducting operations in large transport airplanes is sufficiently beneficial to allow this credit.

Since the miscellaneous amendments removing obsolete or inconsistent provisions are minor in nature, effect no substantive change, or are ones in which the public is not particularly interested, notice and public procedure thereon are unnecessary.

The miscellaneous amendments now made are as follows:

(1) The flush paragraph at the end of § 61.15(j), and paragraph (l) of this section are obsolete, and they are stricken out.

(2) The words "After March 31, 1966," in § 61.16(a)(3) are obsolete, and they are stricken out.

(3) The first sentence in § 61.31(c)(2) is obsolete, and it is stricken out.

(4) Paragraph (a)(4) of § 61.115 has been stricken out previously, therefore the reference to it in § 61.35(a)(2) is dropped.

(5) Paragraph (a)(4) in § 61.39 is stricken out, since accident reports provide the necessary information previously required by this provision.

(6) The words "three landings and takeoffs" in § 61.63(b)(2)(i) are rearranged to read "three takeoffs and landings," as a more intelligible provision.

(7) The word "written" in § 61.71(a)(1) referring to tests on Part 91 for student pilot presolo airship flights, is stricken out because student pilot testing is not required to be written in other provisions on solo flights.

(8) The flush paragraph at the end of § 61.93 is amended by striking out the words "a commercial glider pilot" in the second sentence, and substituting therefor the phrase, "if received before September 26, 1966, a commercial glider pilot or appropriately rated flight instructor." The paragraph previously has allowed a commercial pilot to give the instruction. Section 61.3(d) as amended on March 6, 1968, now prohibits this; however, under a previous amendment, instructions could be given by a commercial glider pilot until September 26, 1966.

(9) Section 61.123(b) is amended by striking out the phrase "a commercial glider pilot" and substituting the phrase "if received before September 26, 1966, a commercial glider pilot or appropriately rated flight instructor" therefor. The reasons for this change are the same as those given in item (8) above.

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended, effective November 22, 1969, as follows:

§ 61.15 [Amended]

1. The flush paragraphs at the end of paragraph (j), and paragraph (l), in § 61.15 are stricken out.

§ 61.16 [Amended]

2. The words "After March 31, 1966, a" are stricken out of paragraph (a)(3) of § 61.16, and the word "A" is substituted therefor.

3. Paragraph (c)(2) of § 61.31 is amended to read as follows:

§ 61.31 Military pilots or former military pilots; Special rules.

* * * * *

(c) *Instrument rating.* * * *

(2) In the case of an instrument rating issued to the holder of an airline transport pilot certificate, the rating is limited to commercial pilot privileges.

* * * * *

§ 61.35 [Amended]

4. The words "subparagraphs (3) and (4)" are stricken out in the first sentence of paragraph (a)(2) of § 61.35, and the words "subparagraph (3)" are substituted therefor.

5. Section 61.39 is amended by striking out paragraph (a)(4), and by amending the second sentence of paragraph (d) to read as follows:

§ 61.39 Pilot logbooks: Except airline transport pilots.

* * * * *

(d) * * * Except as provided in § 61.145(d)(1), he may be credited with not more than 50 percent of that kind of flight time toward the total flight time required for a higher certificate or rating. * * *

* * * * *

§ 61.63 [Amended]

6. The words "three landings and takeoffs" are stricken out in paragraph (b)(2)(i) of § 61.63, and the words "three takeoffs and landings" are substituted therefor.

§ 61.71 [Amended]

7. The word "written" is stricken out in paragraph (a)(1) of § 61.71.

8. The second sentence of the undesignated paragraph at the end of § 61.93 is amended to read as follows:

§ 61.93 Glider rating: aeronautical experience.

* * * * *

* * * If received in a glider, it must have been given by an appropriately rated flight instructor or if received before September 26, 1966, by a commercial glider pilot or appropriately rated flight instructor.

* * * * *

9. Paragraph (b) of § 61.123 is amended to read as follows:

§ 61.123 Glider rating: aeronautical experience.

* * * * *

(b) 2 hours of flight instruction (from an appropriately rated flight instructor or if received before Sept. 26, 1966, by a commercial glider pilot or appropriately rated flight instructor), in procedures and maneuvers required for the commercial pilot flight test;

* * * * *

§ 61.145 [Amended]

10. Section 61.145 is amended as follows:

a. By amending paragraph (b) to read as follows:

(b) An applicant must have had—

(1) At least 250 hours of flight time as pilot in command of an airplane, or as copilot of an airplane performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof, at least 100 hours of which were cross-country time and 25 hours of which were night flight time; and

(2) At least 1,500 hours of flight time as a pilot, including at least—

(i) 500 hours of cross-country flight time;

(ii) 100 hours of night flight time; and

(iii) 75 hours of actual or simulated instrument time, at least 50 hours of which were in actual flight.

Flight time used to meet the requirements of subparagraph (1) of this paragraph may also be used to meet the requirements of subparagraph (2) of this paragraph. Also, an applicant who has made at least 20 night takeoffs and landings to a full stop may substitute one additional night takeoff and landing to a full stop for each hour of night flight time required by subparagraph (2)(ii) of this paragraph. However, not more than 25 hours of night flight time may be credited in this manner.

b. By striking out the number "250" in the first and second sentences of paragraph (c), and inserting the number "150" in place thereof.

c. By inserting a new paragraph (d) to read as follows:

(d) A commercial pilot may credit toward the 1,500 hours total flight time requirement of paragraph (b)(2) of this section the following flight time in operations conducted under Part 121 of this chapter:

(1) All second-in-command time acquired in airplanes required to have more than one pilot by their approved Aircraft Flight Manuals or airworthiness certificates; and

(2) Flight engineer time acquired in airplanes required to have a flight engineer by their approved Aircraft Flight Manuals, while participating at the same time in an approved pilot training program approved under Part 121 of this chapter.

However, the applicant may not credit under subparagraph (2) of this paragraph more than 1 hour for each 3 hours of flight engineer flight time so acquired, nor more than a total of 500 hours.

d. By inserting a new paragraph (e) to read as follows:

(e) If an applicant who credits second-in-command or flight engineer time under paragraph (d) of this section toward the 1,500 hours total flight time requirement of paragraph (b)(2) of this section—

(1) Does not have at least 1,200 hours of flight time as a pilot including no more than 50 percent of his second-in-command time and none of his flight engineer time; but

(2) Otherwise meets the requirements of paragraph (b)(2) of this section.

his certificate will be endorsed "Holder does not meet the pilot flight experience requirements of ICAO," as prescribed by Article 39 of the "Convention on International Civil Aviation." Whenever he presents satisfactory evidence that he has accumulated 1,200 hours of flight time as a pilot including no more than 50 percent of his second-in-command time and none of his flight engineer time, he is entitled to a new certificate without the endorsement.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 16, 1969.

G. S. Moore,
Acting Administrator.

[F.R. Doc. 69-12666; Filed, Oct. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-91]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the San Juan, P.R. (International Airport), control zone.

The San Juan (International Airport) control zone is described in § 71.171 (34 F.R. 4557). In the description, an extension to the control zone is predicated on Isla Grande Airport Runway 9/27 extended centerline.

Because of the cancellation of the radar instrument approach procedure to Isla Grande Airport, it is necessary to alter the control zone by revoking the extension which was designated to provide controlled airspace protection for this approach procedure.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the control zone description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the San Juan, P.R. (International Airport), control zone is amended as follows:

"* * * 11 miles E of the VORTAC; within 2 miles each side of the Isla Grande Airport Runway 9/27 extended centerline, extending from the 3-mile radius zone to 5 miles west of the Airport * * *" is deleted and "* * * 11 miles east of the VORTAC * * *." is substituted therefor.

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

Issued in East Point, Ga., on October 14, 1969.

Gordon A. Williams, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-12660; Filed, Oct. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-100]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Oshkosh, Wis., control zone and transition area.

Since designation of controlled airspace in the Oshkosh, Wis., terminal area, the name of the Winnebago County Airport, Oshkosh, Wis., has been changed to Steve Wittman Field. Consequently, it is necessary to alter the Oshkosh, Wis., control zone and transition area to reflect the airport change of name.

In addition, U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria also requires minor alteration of the Oshkosh, Wis., control zone and transition area.

Since this alteration will change the name of the airport at Oshkosh, Wis., and since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that

TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 11, 1969, as hereinafter set forth:

(1) § 71.171 (34 F.R. 4557), the following control zone is amended to read:

OSHKOSH, WIS.

Within a 5-mile radius of Steve Wittman Field (latitude 43°59'20" N., longitude 88°33'15" W.); and within 2½ miles each side of the Oshkosh VOR 182° radial, extending from the 5-mile radius zone to 7 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

OSHKOSH, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Steve Wittman Field (latitude 43°59'20" N., longitude 88°33'15" W.); within 4½ miles West and 9½ miles east of the Oshkosh VOR 182° radial, extending from the VOR to 18½ miles south of the VOR; within an 8-mile radius of Fond du Lac County Airport (latitude 43°46'10" N., longitude 88°29'30" W.); and within 4½ miles north and 9½ miles south of the 273° bearing from Fond du Lac County Airport, extending from the airport to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°36'00" N., longitude 87°47'15" W.; to latitude 44°36'00" N., longitude 87°27'00" W.; to latitude 43°30'00" N., longitude 87°27'00" W.; to latitude 43°30'00" N., longitude 88°30'00" W.; to latitude 43°40'40" N., longitude 89°38'20" W.; thence north along the east boundary of V-177W to latitude 44°19'50" N., longitude 89°29'00" W.; thence counterclockwise via the arc of a 15-mile radius circle centered on the Stevens Point, Wis., VOR; to latitude 44°28'30" N., longitude 89°14'25" W.; to latitude 44°29'25" N., longitude 88°35'00" W.; thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay, Wis., VOR to the point of beginning excluding the portion which overlies the Cecil Wis., transition area.

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

Issued in Kansas City, Mo., on October 6, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-12661; Filed, Oct. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-118]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Westhampton Beach, N.Y., 700-foot transition area (34 F.R. 4783).

The Suffolk County Air Force Base radiobeacon will be decommissioned on or about October 1, 1969. Reference is made to this radiobeacon in the description of the Westhampton Beach, N.Y., transition area. It is necessary to delete the reference to the radiobeacon and insert the coordinates of the radiobeacon in lieu thereof.

Since the amendment is editorial rather than substantive, 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 Westhampton Beach, N.Y., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Westhampton Beach, N.Y., transition area, "the Suffolk RBN to 12 miles northeast of the RBN" and insert in lieu thereof; "a point 40°54'16" N., 72°33'25" W. to 12 miles northeast".

(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 October 10, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-12662; Filed, Oct. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-89]

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

Designation of Transition Area

On page 13750 of the FEDERAL REGISTER for August 28, 1969, the Federal Aviation Administration published proposed regulations which would designate a transition area over Blue Ridge Airport, Martinsville, Va.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., December 11, 1969.

(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 October 8, 1969.

WAYNE HENDERSHOT,
Acting Director.

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.

[F.R. Doc. 69-12667; Filed, Oct. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-73]

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

Alteration of Transition Area

On August 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 13424 and 13425) stating that the Federal Aviation Administration proposed to alter the Milwaukee, Wis., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No objections have been received to this proposal.

Subsequent to the issuance of the proposal, the agency has determined that the coordinates for the Waukesha County Airport have been slightly changed. In addition, it has been determined that the 700-foot floor transition area extension to 8 miles west of the Milwaukee No. 2 ILS outer marker is no longer required and should be deleted in the transition area description. Action is taken herein to effect these changes.

Since these changes are either minor in nature or reduce the amount of controlled airspace and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 11, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MILWAUKEE, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.); within 8 miles east and 5 miles west of the Milwaukee ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; within a 5-mile radius of Horlick-Racine Airport (latitude 42°45'35" N., longitude 87°48'55" W.); within an 8-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.); within 5 miles northeast and 8 miles southwest of the Timmerman VOR 337° radial, extending from the 8-mile radius area to 12 miles northwest of the VOR; within 2 miles each side of the Timmerman VOR 214° radial, extending from the 8-mile radius area to 14 miles southwest of the VOR; and within a 7½-mile radius of Waukesha County Airport (latitude 43°02'20" N., longitude 88°14'05" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the

north by latitude 43°30'00" N., on the east by longitude 87°00'00" W., on the south by latitude 42°30'00" N., and on the west by longitude 88°30'00" W.

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

Issued in Kansas City, Mo., on October 6, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-12665; Filed, Oct. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-64]

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

Alteration of Transition Area

On page 13331 of the FEDERAL REGISTER dated August 16, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Anderson, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

1. The Anderson Municipal Airport longitude coordinate recited in the Anderson, Ind., transition area designation as "longitude 86°36'50" W." is changed to read "longitude 86°36'55" W.".

2. The words "the 8-mile radius" as recited in line 7 of the transition area designation are changed to read "the 7-mile radius".

This amendment shall be effective 0901 G.m.t., December 11, 1969.

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

Issued in Kansas City, Mo., on October 6, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ANDERSON, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Anderson Municipal Airport (latitude 40°06'35" N., longitude 86°36'55" W.); and within 3 miles each side of the 298° bearing from Anderson Municipal Airport, extending from the 7-mile radius area to 12½ miles northwest of the airport.

[F.R. Doc. 69-12664; Filed, Oct. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-63]

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

Alteration of Transition Area

On pages 13331 and 13332 of the FEDERAL REGISTER dated August 16, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Michigan City, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

1. The Michigan City Airport longitude coordinate recited in the Michigan City, Ind., transition area designation as "longitude 86°49'20" W." is changed to read "longitude 86°49'15" W.".

2. The Michigan City Municipal Airport latitude coordinate recited in the Michigan City, Ind., transition area designation as "latitude 41°40'15" N." is changed to read "latitude 41°40'10" N.".

This amendment shall be effective 0901 G.m.t., December 11, 1969.

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

Issued in Kansas City, Mo., on October 6, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MICHIGAN CITY, IND.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Michigan City Airport (latitude 41°42'10" N., longitude 86°49'15" W.); and within a 6½-mile radius of Michigan City Municipal Airport (latitude 41°40'10" N., longitude 86°53'20" W.).

[F.R. Doc. 69-12663; Filed, Oct. 22, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Dept. Reg. 108.609]

PART 6-7—CONTRACT CLAUSES

Part 6-7 of Chapter 6 is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 6-7 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c) sec. 4, 63 Stat. 111, 22 U.S.C. 2658.

§ 6-7.000 Scope of part.

This part sets forth contract clauses for use in connection with the procurement of personal property and nonpersonal services (excluding construction).

Subpart 6-7.1—Fixed-Price Supply Contracts

§ 6-7.100 Scope of subpart.

This subpart sets forth or refers to contract clauses and clause alterations for use, in addition to those set forth or referred to in § 1-7.101 of this title, in fixed-price supply and nonpersonal service contracts entered into and performed outside the United States.

§ 6-7.101 Clauses.

(a) The use of clauses set forth or referred to in this section and § 6-7.150 is mandatory, in addition to or, where specified in this section, in lieu of those set forth or referred to in § 1-7.101 of this title under conditions described: *Provided, however,* That except as otherwise specified in this section, any such clause need not be used if:

(1) Its use is prohibited by or inconsistent with local laws; or

(2) The supplies or services could not be obtained if the clause were included.

(b) Justification for the exclusion of clauses shall be included in the contract file.

§ 6-7.101-1 Definitions.

The following definition shall be added to those contained in § 1-7.101-1:

The term "Government" means the Government of the United States of America.

§ 6-7.101-8 Assignment of Claims.

A Contracting Officer may in no event authorize a transfer or assignment prohibited by 31 U.S.C. 203 or 41 U.S.C. 15.

The following clause may be used in lieu of the clause set forth in § 1-30.703 of this title when it is desirable to provide explicitly against an attempted transfer of performance responsibility:

ASSIGNMENT OF CLAIMS AND DELEGATIONS OF RESPONSIBILITY

The Contractor shall not assign, transfer, pledge, nor make other disposition of this

contract, or any part thereof, or of any rights, claims, or obligations of the Contractor arising from this contract, nor shall the Contractor transfer or otherwise delegate the performance of any functions hereunder except with the prior written approval of the Contracting Officer.

§ 6–7.101–10 Examination of Records.

The clause set forth in § 1–7.101–10 of this title may be excluded from negotiated contracts only in accordance with procedures provided in Subpart 1–6.10 of this title and Subpart 6–6.10 of this chapter.

§ 6–7.101–12 Disputes.

The following clause shall be used in lieu of the clause set forth in § 1–7.101–12 of this title:

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive to the extent permitted by U.S. law. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 6–7.101–20 Covenant against contingent fees.

The clause set forth in § 1–1.503 of this title shall not be excluded from any contract.

§ 6–7.101–22 Federal, State, and local taxes.

The following clause is applicable in lieu of the clauses referred to in § 1–7.101–22 of this title. The contracting officer shall obtain and make a part of the contract file detailed information concerning the specific taxes, normally applicable to the transaction, for which there is an exemption.

TAXES, DUTIES, AND CHARGES FOR DOING BUSINESS

(a) As used throughout this clause, the words and terms defined in this paragraph shall have the meanings set forth herein.

(i) The term "country concerned" means any country in which expenditures under this contract are made.

(ii) The words "tax" and "taxes" include fees and charges for doing business that are levied by the government of the country concerned or by political subdivisions thereof.

(iii) The term "contract date" means the date of this contract or, if this is a formally advertised contract, the date set for bid opening; as to additional supplies or services procured by modification to this contract, the term means the date of the modification.

(b) Except as may be otherwise provided in this contract, the contract price includes all taxes and duties in effect and applicable to this contract on the contract date, except taxes and duties (i) from which the Government of the United States, the Contractor, any subcontractor, or the transactions or property covered by this contract are exempt under the laws of the country concerned or political subdivision thereof, or (ii) which the Government of the United States and the government of the country concerned have agreed shall not be applicable to expenditures in such country by or on behalf of the United States.

(c) (1) If the Contractor is required to pay or bear the burden—

(i) Of any tax or duty which either was not to be included in the contract price pursuant to the requirements of paragraph (b) hereof, or was specifically excluded from the contract price by a provision of this contract; or

(ii) Of an increase in rate of any tax or duty, whether or not such tax or duty was excluded from the contract price; or

(iii) Of any interest or penalty on any tax or duty referred to in (i) or (ii) above,

the contract price shall be correspondingly increased; provided that the Contractor warrants in writing that no amount of such tax, duty, or increase therein was included in the contract price as a contingency reserve or otherwise: *And provided further*, That liability for such tax, duty, increase therein, interest or penalty was not incurred through the fault or negligence of the Contractor or his failure to follow instructions of the Contracting Officer or to comply with the provisions of paragraph (d) (1) below.

(2) If the Contractor is not required to pay or bear the burden, or obtains a refund or drawback, in whole or in part, of any tax, duty, increase therein, interest or penalty which (i) was to be included in the contract price pursuant to the requirements of paragraph (b), (ii) was included in the contract price, or (iii) was the basis of an increase in the contract price, the contract price shall be correspondingly decreased or the amount of such relief, refund, or drawback shall be paid to the Government of the United States, as directed by the Contracting Officer. The contract price also shall be correspondingly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer or to comply with the provisions of subparagraph (d) (1) below, is required to pay or bear the burden, or does not obtain a refund or drawback of any such tax, duty, increase therein, interest or penalty. Interest paid or credited to the Contractor incident to a refund of taxes or duties shall inure to the benefit of the Government of the United States to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government of the United States for such taxes or duties.

(3) If the Contractor obtains a reduction in his tax liability under the U.S. Internal Revenue Code of 1954, as amended (title 26, United States Code), on account of the payment of any tax or duty which either (i) was to be included in the contract price pursuant to the requirement of paragraph (b) of this clause, (ii) was included in the contract price, or (iii) was the basis of an increase in the contract price, the amount of the reduction shall be paid or credited to the Government of the United States as the Contracting Officer directs.

(4) Invoices or vouchers covering any adjustment of the contract price pursuant to this paragraph (c) shall set forth the amount thereof as a separate item and shall identify the particular tax or duty involved.

(5) No adjustment in the contract price or payment or credit to the United States is required pursuant to this paragraph (c) if the total amount thereof for the contract period will be less than one hundred dollars ($100).

(6) Subparagraphs (1) and (2) of this paragraph (c) shall not be applicable to social security taxes; income and franchise taxes, other than those levied on or measured by (i) sales or receipts from sales, or (ii) the Contractor's possession of, interest in, or use of property, title to which is in the Government; excess profits taxes; capital stock taxes; transportation taxes; unemployment compensation taxes; or property taxes, other than such property taxes, allocable to this contract, as are assessed either on completed supplies covered by this contract, or on the Contractor's possession of, interest in, or use of property, title to which is in the Government.

(d) (1) The Contractor shall take all reasonable action to obtain exemption from or refund of any taxes or duties, including interest or penalty, from which the U.S. Government, the Contractor, any subcontractor, or the transactions or property covered by this contract are exempt under the laws of the country concerned or political subdivisions thereof, or which the Government of the United States and the government of the country concerned have agreed shall not be applicable to expenditures in such country by or on behalf of the United States.

(2) The Contractor shall promptly notify the Contracting Officer of all matters pertaining to taxes or duties which reasonably may be expected to result in either an increase or a decrease in the contract price.

(3) Whenever an increase or decrease in the contract price may be required under this clause, the Contractor shall take action as directed by the Contracting Officer, and the contract price shall be equitably adjusted to cover the cost of such action, including any interest, penalty, and reasonable attorneys' fees.

§ 6–7.101–23 Liquidated damages.

The clause set forth in § 1–1.315–3 of this title shall be inserted under the conditions and in the manner prescribed in § 1–1.315 of this title. The clause shall be altered to refer to FS–565 rather than Standard Form 32.

§ 6–7.101–28 Termination for convenience of the Government.

The following clause shall be inserted in lieu of that referred to in § 1–7.101–28 of this title for all contracts for "commercial items" as defined in § 1–3.807–1 (b) (2) (B) of this title:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

The Government shall have the right to terminate this contract at any time by giving written notice to the Contractor not less than 10 days prior to the effective date of termination. Should this contract be terminated pursuant to this clause prior to the date it would otherwise expire, the following shall apply:

(a) The Government shall complete all payments which shall then be due;

(b) The Contractor shall deliver to the Government all work in process under this contract requested by the Government;

(c) The Government shall pay to the Contractor any sum which is determined by the Contracting Officer as equitable for any work

in process, which sum shall include any costs incurred by the Contractor in terminating any subcontract.

(d) Should the Contractor be unwilling to accept the sum so determined by the Contracting Officer the matter shall be treated as a dispute concerning a question of fact within the meaning of the clause entitled "Disputes" in the General Provisions of this contract.

§ 6–7.150 Additional required clauses.

§ 6–7.150–1 Prohibition against items from certain areas.

PROHIBITION AGAINST ITEMS FROM CERTAIN AREAS

(a) No supplies, however, processed, which are or were located in or transported from or through China Mainland (including Singkiang, Manchuria, and Tibet), North Viet-Nam, North Korea, or Cuba may be used in the performance of this contract.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b) in all subcontracts hereunder.

§ 6–7.150–2 U.S. products and services (Balance of Payments Program).

The clause set forth in § 1–6.806–4 of this title shall be inserted unless the procurement qualifies as an exception as provided by § 1–6.805 of this title and § 6–6.805 of this chapter.

§ 6–7.151 Optional clauses.

The clauses set forth in this section may be used when applicable to specific procurements, and may be modified when required.

§ 6–7.151–1 Security requirements.

PERSONNEL

The Contractor agrees, if requested, to furnish the Government with the name, date and place of birth, current address, and such other biographical information as is readily available to the Contractor, concerning any individual before permitting such individual to be used in the performance of this contract. The Contractor further agrees to permit only those individuals approved by the Government to be used in the performance of this contract.

§ 6–7.151–2 Notice.

NOTICE

Any order, notice, or request, relating to this contract given by either party to the other shall be in writing, and mailed, or delivered by hand, to the party entitled thereto at the address set forth herein. All modifications to the contract must be made, in writing, by the Government's Contracting Officer.

§ 6–7.151–3 Notice of shipments.

NOTICE OF SHIPMENTS

At the time of delivery of any shipment of supplies to a carrier for transportation, the Contractor shall give prepaid notice of shipment to the consignee establishment, and to such other persons designated by the Contracting Officer, and in accordance with his instructions. If such instructions have not been received by the Contractor at least 24 hours prior to such delivery to a carrier, the Contractor shall request instructions from the Contracting Officer concerning the notice of shipment to be given.

§ 6–7.151–4 Gratuities.

GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor, to proceed under this contract if it is found, after notice and hearing, by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding, amending, or the making of any determinations with respect to this contract.

(b) In the event that this contract is terminated as provided in paragraph (a) above, the Government shall have the same rights and remedies provided in the clause entitled "Default" in the General Provisions with respect to defaults of the Contractor, and any other rights and remedies provided by law or under this contract.

§ 6–7.151–5 Language version.

LANGUAGE VERSION

The English language version of this contract shall be the official version and binding on both parties.

§ 6–7.151–6 Authorization to perform.

AUTHORIZATION TO PERFORM

The contractor warrants that he has been duly authorized to operate and do business in the country or countries in which this contract is to be performed; that he has obtained, at no cost to the U.S. Government, all necessary licenses and permits required in connection with the contract; and that he will fully comply with all laws, decrees, labor standards, and regulations of such country or countries during the performance of this contract.

§ 6–7.151–7 Seller's invoices.

The following clause is applicable only to negotiated contracts.

SELLER'S INVOICES

Invoices shall be prepared and submitted in quadruplicate unless otherwise specified. Invoices shall contain the following information: Contract and order number (if any), item numbers, description of supplies or services, sizes, quantities, unit prices, and extended totals. Bill of lading number and weight of shipment will be shown for shipments made on Government bills of lading.

§ 6–7.151–8 Discounts.

The following clause is applicable only to negotiated contracts.

DISCOUNTS

In connection with any discount provided for, time will be computed from date of delivery of the supplies to carrier when delivery and acceptance are at point of origin or from date of delivery at destination or port of embarkation when delivery and acceptance are at either of those points, or from date correct invoice or voucher is received in the office specified by the Government if the latter date is later than the date of delivery. Payment is deemed to be made, for the purpose of earning the discount, on the date of mailing of the Government check.

§ 6–7.151–9 Requirements clause.

The following clause is applicable only to requirements contracts prepared in accordance with § 1–3.409(b) of this title.

REQUIREMENTS CLAUSE

(a) The Government agrees to purchase all of its requirements of (specific property or services) for use at (designated activities) during the period from _____ to _____ from the Contractor. The Government shall not, however, be obligated to make any purchases in excess of its actual requirements.

(b) The Contractor agrees to furnish up to (maximum delivery obligation) of (specific property or services) while this contract remains in effect. The Contractor shall not, however, be obligated to deliver in excess of (quantity) during any (time) period, nor less than (quantity) in any delivery.

(c) Subject to paragraph (b) above, and upon the placing of orders by the Government at least _____ days before the date of requested delivery, the Contractor agrees to make deliveries under this contract at any of the following designated point(s):

(d) The Government shall use a purchase order (Foreign Service Form 455) in making purchases against this contract.

§ 6–7.151–10 Indefinite quantity clause.

The following clause is applicable only to indefinite quantity contracts prepared in accordance with § 1–3.409(c) of this title.

INDEFINITE QUANTITY CLAUSE

(a) The Contractor agrees to furnish up to (max. delivery obligation) of (specific property or services) during the period from _____ to _____ to the Government. The Contractor shall not, however, be obligated to deliver in excess of (quantity) during any (time) period, nor less than (quantity) in any delivery.

(b) Subject to paragraph (a) above, and upon the placing of orders by the Government at least _____ day(s) before the date of requested delivery, the Contractor agrees to make deliveries under this contract at any of the following designated points:

(c) The Government agrees to purchase a minimum of (minimum order obligation) of (specific property or services) while this contract is in effect.

(d) The Government shall use a purchase order (Foreign Service Form 455) in placing orders against this contract up to the Government's minimum purchase obligation, and in making purchases against this contract over the Government's minimum purchase obligation.

§ 6–7.151–11 Contracting officer's representative.

The following clause may be used in designating an authorized representative of the contracting officer (such a designee may not make any commitments or changes which will affect the price, quality, quantity or delivery terms):

REPRESENTATIVES OF THE CONTRACTING OFFICER

The Contracting Officer reserves the right to designate representatives to act for him in furnishing technical guidance and advice or, generally supervise the work to be performed under this contract. Such designation will be in writing and will define the scope and limitations of authority. (Such a designee may not make any commitments or changes which will affect the price, quality, quantity, or delivery terms.) A copy of the designation shall be furnished to the Contractor.

§ 6–7.151–12 Labor, supplies and equipment.

LABOR, SUPPLIES AND EQUIPMENT

The Contractor shall furnish all labor, supplies, and equipment necessary for the performance of this contract. Necessary storage space for supplies and equipment will be furnished by the Government.

§ 6–7.151–13 Protection of Government buildings, equipment, and vegetation.

PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT, AND VEGETATION

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation (such as trees, shrubs, and grass) on the Government installation. If the Contractor fails to do so and damages any such buildings, equipment, or vegetation, he shall replace or repair the damage at no expense to the Government as directed by the Contracting Officer. If he fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost thereof which may be deducted from the contract price.

§ 6–7.151–14 Price escalation.

The following price escalation clause is authorized for use in negotiated fixed-price supply contracts, described in § 6–3.404–3 for "commercial items" for which established prices exist and have been verified in accordance with criteria in § 1–3.807(b)(2) of this title. The clause may be modified for use with labor-hour contracts as described in § 1–3.406–2 of this title. In administering contracts containing this clause, Contracting Officers are cautioned to give immediate attention to requests for price escalation. According to paragraph (f) of the clause, a permissible request establishes a new contract price pending agreement or cancellation of the contract.

PRICE ESCALATION

(a) The Contractor warrants that the unit prices stated herein, excluding any part of the prices which reflects requirements for preservation, packaging, and packing beyond standard commercial practice, are not in excess of the Contractor's applicable established prices in effect on the contract date for like quantities of the supplies covered by this contract. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from his list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the contract date; or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ------ percent of the original applicable unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increased in the applicable established price, unless the Contractor's failure to delivery supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default", in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, within 30 days after receipt of the Contractor's request, cancel without liability to either party the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such cancellation.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or cancellation of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested; provided, that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), and provided further, that if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor cancels the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested; provided, that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

§ 6–7.151–15 Government delay of work.

(a) The clause below provides a means for the fair and expeditious administrative settlement of claims arising out of certain delays and interruptions in the contract work caused by the acts, or failures to act, of the contracting officer where the contract does not otherwise specifically provide for an equitable adjustment because of such delay or interruption (e.g., Government-furnished property, changes, etc.).

(b) The clause does not authorize the contracting officer to order a suspension, delay or interruption of the work and it shall not be used as the basis for or to justify such an order.

(c) When the contracting officer has notice of an unordered delay or interruption covered by the clause, he will act to end it or take other appropriate action as soon as practicable.

(d) The contracting officer shall retain in the file a record of all negotiations leading to any adjustment made under the clause, including cost or pricing data.

GOVERNMENT DELAY OF WORK

(a) If the performance of all or any part of the work is delayed or interrupted by an act of the Contracting Officer in the administration of this contract, which act is not expressly or impliedly authorized by this contract, or by his failure to act within the time specified in this contract (or within a reasonable time if no time is specified), an adjustment (excluding profit) shall be made for any increase in the cost of performance of this contract caused by such delay or interruption and the contract modified in writing accordingly. Adjustment shall be made also in the delivery or performance dates and any other contractual provision affected by such delay or interruption. However, no adjustment shall be made under this clause for any delay or interruption (i) to the extent that performance would have been delayed or interrupted by any other cause, including the fault or negligence of the Contractor; or (ii) for which an adjustment is provided or excluded under any other provision of this contract.

(b) No claim under this clause shall be allowed (i) for any costs incurred more than twenty (20) days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved; and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such delay or interruption, but not later than the date of final payment under the contract.

§ 6–7.151–16 Indemnification.

In view of the established policy that the Government is a self-insurer, as provided in § 1–10.301 of this title, contractors should not ordinarily be required to assume risks which a private buyer would guard against through insurance. There may be occasions, however, when a contractor's assumption of such risks is in the best interest of the Government and the following clause is authorized for use on those occasions. In the determination of it's use, the Contracting Officer should weigh the advantages it provides against the likelihood of resulting increased prices.

INDEMNIFICATION

The Contractor expressly agrees to indemnify and to save the Government, its officers, agents, servants, and employees harmless from and against any claim, loss, damages, injury, and liability, however caused, resulting from or arising out of the Contractor's fault or negligence in connection with the performance of work under this contract. Further, it is agreed that any negligence or alleged negligence of the Government, its officers, agents, servants and employees, shall not be a bar to a claim for indemnification

unless the act or omission of the Government, its officers, agents, servants and employees is the sole, competent, and producing cause of such claim, loss, damages, injury, or liability.

§ 6–7.151–17 Commercial warranty.

COMMERCIAL WARRANTY

The Contractor agrees that the supplies or services furnished under this contract shall be covered by the most favorable commercial warranties the Contractor gives to any customer for such supplies or services and that the rights and remedies provided herein are in addition to and do not limit any rights afforded to the Government by any other clause of this contract.

§ 6–7.151–18 Price warranty.

PRICE WARRANTY

The Contractor warrants that the prices of the items set forth herein do not exceed those charged by the Contractor to any other customer purchasing the same items in like or comparable quantities.

§ 6–7.151–19 Availability of funds.

The following clause is applicable to certain types of contracts whose performance periods cross fiscal years. These contracts are identified in Subpart 6–3.4 of this chapter.

AVAILABILITY OF FUNDS

Funds are not presently available for performance under this contract beyond June 30, 19__. The Government's obligation for performance of this contract beyond this date is contingent upon the availability of appropriated funds from which payment for the contract purposes can be made. No legal liability on the part of the Government for payment of any money for performance under this contract beyond June 30, 19__, shall arise unless and until funds are made available to the Contracting Officer for such performance and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the Contractor.

[SEAL] WILLIAM B. MACOMBER, Jr.,
Deputy Under Secretary for Administration.

OCTOBER 10, 1969.

[F.R. Doc. 69–12676; Filed, Oct. 22, 1969; 8:48 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101–46.4—Disposal

DOMESTIC AND OVERSEAS REPORTING

This amendment revises § 101–46.407 so that it will clearly provide for a summary of exchange transactions and a summary of sale transactions which occur in the States of the United States, the District of Columbia, Puerto Rico, and the Virgin Islands, and similar but separate summaries of such transactions which occur elsewhere in the world.

Section 101–46.407 is revised as follows:

§ 101–46.407 Reports.

As soon as possible after the close of each fiscal year, but in no event later than 90 calendar days after such close, executive agencies shall submit a summary report in letter form on the transactions made pursuant to this part during the fiscal year except for transactions involving books and periodicals. Negative reports are required. Total acquisition cost for property exchanged, and total acquisition cost for property sold, shall be furnished by two-digit Federal Supply Classification Groups. The above data shall be broken down to show transactions in two categories: (a) In the States of the United States, the District of Columbia, Puerto Rico, and the Virgin Islands; and (b) in all other areas of the world. The summaries shall not include any property initially designated for exchange/sale but which was transferred for further Federal utilization. Reports shall be addressed to the Commissioner, Property Management and Disposal Service, General Services Administration, Washington, D.C. 20405.

(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: October 17, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–12707; Filed, Oct. 22, 1969; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4717]

[Fairbanks 030632]

ALASKA

Modification of Powersite Classification No. 445 (Yukon River Near Rampart, Alaska)

In order to permit the construction of a public facility in the public interest, and in reliance upon the assurance of the State of Alaska that it will do all things necessary and appropriate in connection with said construction to preserve and protect the environment and natural resources; Now, Therefore,

By the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262), it is ordered as follows:

Public Land Order No. 3520 of January 5, 1965, which established Powersite Classification No. 445, is hereby modified to the extent necessary to permit the State of Alaska to locate a right-of-way under R.S. 2477 (43 U.S.C. 932) for the construction of a State highway running from Livengood northwesterly to the Yukon River; however, this powersite modification is subject to the condition that should the land traversed by the right-of-way be required for reservoir or power purposes, any improvements or structures thereon, when found by the Secretary of the Interior to interfere with reservoir or power development, shall be removed or relocated to eliminate interference with such development at no cost to the United States, its permittees or licensees.

WALTER J. HICKEL,
Secretary of the Interior.

OCTOBER 15, 1969.

[F.R. Doc. 69–12683; Filed, Oct. 22, 1969; 8:48 a.m.]

[Public Land Order 4718]

[Wyoming 19178]

WYOMING

Partial Revocation of Executive Order No. 5327 and Public Land Order No. 4522

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, and Public Land Order No. 4522 of September 13, 1968, withdrawing oil shale deposits and lands containing such deposits, are hereby revoked so far as they affect the following described lands except for the oil shale deposits therein:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 109 W.,
Sec. 30, lot 4, SE¼SW¼, W½W½SW¼SE¼, NE¼NW¼SW¼SE¼, W½NW¼NE¼SW¼SE¼.

The areas described aggregate 94.70 acres in Sweetwater County.

2. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), the lands are hereby classified for sale under the Public Land Sale Act (78 Stat. 988; 43 U.S.C. 1421, 1427), subject to the regulations in 43 CFR 2243.2.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 16, 1969.

[F.R. Doc. 69–12635; Filed, Oct. 22, 1969; 8:45 a.m.]

[Public Land Order 4719]

[Sacramento 1798, 1799, 1800, 2293]

CALIFORNIA

Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands

are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

(Sacramento 1798)

STANISLAUS NATIONAL FOREST

Clark Fork Administrative Site

T. 6 N., R. 19 E.,
Sec. 22, SW¼NE¼NE¼, S½NW¼NE¼, N½SW¼NE¼, W½SE¼NE¼, SE¼NE¼NW¼, and NE¼SE¼NW¼.

The areas described aggregate 90 acres in Tuolumne and Alpine Counties.

(Sacramento 1800)

Horse Meadow Administrative Site

T. 4 N., R. 21 E.,
Sec. 27, S½SE¼NE¼NW¼, E½W½SE¼NW¼, NE¼SE¼SE¼NW¼, W½E½SE¼NW¼, E½NE¼SE¼NW¼, W½SW¼SE¼NW¼, W½NE¼SW¼, W½NE¼NE¼SW¼, E½NE¼NW¼SW¼, SE¼NW¼SW¼, SE¼SW¼NW¼SW¼, NE¼SW¼SW¼, W½SE¼SW¼SW¼, W½SW¼SW¼, NE¼SE¼SW¼SW¼, and NW¼NW¼SE¼SW¼;
Sec. 34, NW¼NE¼NW¼NW¼ and NE¼NW¼NW¼NW¼.

The areas described aggregate 125 acres in Tuolumne County.

(Sacramento 2293)

KLAMATH NATIONAL FOREST

Spring Flat Campground

T. 44 N., R. 11 W.,
Sec. 21, SE¼SE¼SE¼ and E½SW¼SE¼SE¼;
Sec. 28, NE¼NE¼NE¼ and E½NW¼NE¼NE¼.

The areas described aggregate 30 acres in Siskiyou County.

HUMBOLDT MERIDIAN

(Sacramento 1799)

SIX RIVERS NATIONAL FOREST

Bluff Creek Recreation Area

T. 10 N., R. 5 E.,
Sec. 19, SW¼NE¼SW¼ and NW¼SE¼SW¼;
Sec. 30, E½ lot 1, E½ lot 4, E½ lot 5, SE¼SW¼NW¼, SE¼NW¼, and SE¼SW¼ (except parcel lying east of State highway described in serial number Sacramento 046100, Forest Exchange, containing approximately 16 acres).

The areas described aggregate approximately 143.36 acres in Humboldt County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 17, 1969.

[F.R. Doc. 69-12636; Filed, Oct. 22, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18260; FCC 69-1112]

PART 15—RADIO FREQUENCY DEVICES

Report and Order

In the matter of amending Part 15, Subpart E—to provide for RF operated measuring devices, Docket No. 18260, RM 1223, RM 1289.

1. Notice of proposed rule making in this proceeding was adopted on July 17, 1968 (33 F.R. 8793), in response to petitions filed by Owens-Illinois, Inc. (RM 1223), and the Home Laundry Department of the General Electric Co. (RM 1289) to provide for the operation without individual licensing, of certain measuring devices. That notice proposed regulations to grant alternative provisions under Subpart E of Part 15 for the operation of RF devices used for measurement purposes only.

2. Both petitioners initially sought to have their measuring devices classed as ISM Miscellaneous Equipment under Part 18 of the FCC rules either by giving a broad interpretation to the existing definition of Miscellaneous Equipment or by amendment to include measurement processes. Neither petitioner presented evidence sufficiently cogent to convince the Commission that such action would be proper. In view of the lack of persuasive data, the Commission considered it undesirable and not in the public interest to blur the carefully planned and historically established distinction between Part 15 restricted radiation devices and Part 18 ISM equipment. Consequently, the Commission found that the petitioners' devices should be classed as restricted radiation devices serving a low power communication function.

3. Comments were received from the following parties:

American Telephone and Telegraph Co. (A. T. & T.).
General Electric Co., Home Laundry Department (GE).
Owens-Illinois, Inc. (Owens).
Michigan CB Council.
Microwave Controls, Inc.

4. A.T. & T. proposes that measuring devices be accommodated under Part 18 rather than Part 15. In support of this proposition, A.T. & T. maintains that allowing operation under Part 15 would be a threat to communications, particularly in view of the projected future use of the band 919–947 MHz for common carrier base stations suggested in Docket No. 18262. A.T. & T. argues that Part 15 does not include the safeguards against "spectrum pollution" contained in Part 18. In addition, A.T. & T. contends that the dangers to the frequency spectrum inherent in the operation of large numbers of consumer appliances without such safeguards are substantial.

5. GE accepts the Commission's decision to class its moisture detection system as a low power communication device within the provisions of Part 15, and argues that the proposed limits of field strength are adequate to protect the authorized communication services. In addition, GE urges that measuring devices not be included in any downward revisions in allowable bandwidth as suggested in Docket No. 18262 for ISM equipment using 915 MHz for the fundamental frequency.

6. Owens originally differed with the Commission's characterization of its device as a communication system but now concludes that the Commission's classification is logical and correct and accedes that Part 15 should govern its operation. Furthermore, in its reply comment, Owens points out that A.T. & T. has not proffered engineering documentation to support its statement concerning the lack of adequate safeguards against interference in Part 15.

7. The Michigan CB Council objects to the operation of additional RF devices in the frequency band 26.97–27.27 MHz which is also used by Citizens Radio Stations. However no data is submitted to show how RF measuring devices operating within the technical specifications proposed by the Commission would affect the Citizens Radio Service. Microwave Controls, Inc., states that its industrial RF proximity controls cannot be operated within the technical specifications proposed in our notice and requests that provision be made in Part 18 for such controls. The Commission recognizes the importance of the industrial controls such as those made by Microwave, but wishes to point out that the said controls do not appear to be measuring devices contemplated by this proceeding and would therefore not be subject to the regulations adopted herein.

8. Since the question of regulation under Part 18 has been raised in the comments submitted by Owens and Microwave Controls, we reiterate our discussion concerning Parts 15 and 18. It should be observed that Part 15, in general, deals with devices which emit a relatively low level of signal and which fall into the general area of communications. Moreover, by definition in § 15.4(f), "a restricted radiation device * * * used for the transmission of * * * intelligence of any nature by radiation of electromagnetic energy" is a "low power communication device." Part 18, on the other hand, deals with devices involving the generation of a substantial amount of RF power which is not used for communications. Neither measuring device described in the notice nor the proximity control discussed above uses RF energy to do work or produce physical, biological, or chemical effects on material; the devices proposed by the petitioners are utilized merely in the transmission of information as to the magnitude of some quantifiable property of material. It is

with this view that the Commission has characterized the function of such RF operated measuring devices as the Owens glass thickness gauge and the GE moisture detection system.

9. Although A.T. & T. alleges that Part 15 does not contain the safeguards against harmful interference included in Part 18, the Commission believes that Part 15 is designed to provide adequate protection for the licensed communication services and that the possibility of measuring devices causing harmful interference is remote. Part 15 devices are permitted to operate only to the extent that no interference is caused to the licensed services. If any interference is caused, the operation of the Part 15 device must be terminated. Moreover, the Commission agrees with Owens' observation that A.T. & T. has not presented any specific showing or data to document alleged interference possibilities. Conversely both Owens and GE present engineering data showing that their measuring devices operate within the field strength limits prescribed for Part 15 devices. Like all other Part 15 devices, these measuring devices may be operated within the specified frequency bands on a sufferance basis provided specified radiation limitations and other operating conditions are met. Furthermore, to provide an additional safeguard against harmful interference, tamperproof construction is required and antenna substitution is prohibited by the rules being adopted.

10. In accordance with the above, the Commission finds that it is more appropriate to classify the devices with which we are here concerned as low power communication devices under Part 15 than as miscellaneous equipment under Part 18. Such devices will be confined in their operation solely to measuring the characteristics of materials at specified frequencies, subject to specified technical standards and certification procedures.

11. None of the comments addressed themselves to the specific technical standards that had been proposed in our July 17, 1968 notice. Further study by the Commission, however, has indicated the advisability of providing greater protection to aviation navigational and communication services and to television reception than would have been afforded by the table of allowable level of radiation in our proposal. The rules adopted herein accordingly retain the same level of allowable radiation on the fundamental frequency as proposed, but require the level of harmonic and other spurious emissions to be held about 30dB below the allowable level of emissions on the fundamental (20dB down on harmonics, if the fundamental frequency is above 890 MHz).

12. The rules adopted herein also specify the frequency range over which measurements are to be made, § 15.253(d). The type of measuring device to be encompassed is clarified by substituting the expression "device used for the measurement of the characteristics of materials" in place of the expression "device used for measurement purposes" contained in the July proposal. A third change is the inclusion of a reference to §§ 0.457 and 0.461 which sets out the conditions under which information filed with the Commission will be made available for public inspection.

13. Notice is given that the regulations adopted herein are subject to such changes as may be required as a result of the reallocation of the frequency band 806–960 MHz, now pending in our rulemaking proceeding in Docket No. 18262.

14. Therefore, in view of the foregoing and pursuant to the authority contained in §§ 4(i), 301, and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That effective November 25, 1969, Part 15, Radio Frequency Devices, is amended in the manner set forth below. *It is further ordered*, That this proceeding in Docket No. 18260 is terminated.

(Secs. 4, 301, 303, 48 Stat., as amended, 1066, 1081, 1082; 47 U.S.C. 154, 301, 303.)

Adopted: October 15, 1969.

Released: October 20, 1969.

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

Part 15 is amended as follows:

1. The text of § 15.201 is amended to add paragraph (d) to read as follows:

§ 15.201 Frequencies of operation.

* * * * *

(d) A low power communication device used for measurement of the characteristics of materials may be operated on frequencies and under the alternative provisions listed in § 15.214.

2. A new § 15.214 is added to read as follows:

§ 15.214 Alternative provisions for measuring devices.

(a) A low power communication device used for measurement of the characteristics of materials may operate in the frequency bands listed in paragraph (c) pursuant to the provisions in this section.

(b) A device operated pursuant to the alternative provisions of this section may not be used for voice communications, or the transmission of any other type message.

(c) The device shall operate within the frequency bands:

MHz	*MHz*
13.554–13.566	890–940
26.96–27.28	(See note)
40.66–40.70	2400–2500
	5725–5875
	22000–22250

NOTE: The frequency band 890–940 MHz is subject to change pursuant to the reallocation of frequencies that may be made in the band 806–960 MHz in the rule making proceeding in Docket No. 18262.

(d) The maximum level of emission from the device shall not exceed:

Fundamental frequency in the band	Emission (uv/m at 100 feet)		
	On fundamental frequency	On harmonic frequencies	On other frequencies
13.554–13.566 MHz	15	0.5	0.5
26.96–27.28 MHz	32	1.0	1.0
40.66–40.70 MHz	50	1.5	1.5
above 890 MHz	500	50.0	15.0

(e) The device shall be self-contained with no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section. Any antenna that may be used with the device shall be permanently attached thereto and shall not be readily modifiable by the user.

(f) The device shall be prototype certificated pursuant to §§ 15.251–15.254 inclusive.

3. New §§ 15.251–15.254 are added to read as follows:

§ 15.251 Certification of measuring device operating pursuant to § 15.214.

(a) A device operating pursuant to § 15.214 need not be certificated by the owner or user if the device has been certificated by the manufacturer.

(b) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to insure that all production units can be reasonably expected to comply with the applicable technical requirements.

(c) The certificate shall be filed with the FCC, Washington, D.C. 20554.

(d) The certificate filed by the manufacturer will be available for public inspection pursuant to the provisions of §§ 0.457 and 0.461 of this chapter.

§ 15.252 Content of certificate required by § 15.214.

(a) The manufacturer, model, and serial number(s) or other positive identification of the device that was tested.

(b) Photographs of the device.

(c) A description of the circuitry and how the device operates.

(d) The conditions under which the device shall be operated.

(e) The antenna, if any, to be used with the device.

(f) A report of measurements pursuant to § 15.253.

(g) If filed by manufacturer, a statement certifying that production will be adequately controlled to insure that all units produced can be reasonably expected to comply with the applicable technical requirements.

(h) If filed by manufacturer, a copy of the installation and operating instructions provided to the user.

(i) Date of certificate.

(j) Signature. If filed by the manufacturer, the certificate shall be signed by a responsible official, who shall state that he is authorized to sign for the manufacturer and shall indicate his title.

§ 15.253 Report of measurements for a device operating pursuant to § 15.214.

The report of measurements may be prepared by any engineer skilled in making and interpreting the measurements

[1] Commissioner Cox absent.

that are required and shall contain the following information.

(a) Identification of the device(s) tested.

(b) List of measuring equipment used showing manufacturer, model number and date when last calibrated.

(c) Description of measurement procedure used. If a published standard was followed, reference to the standard is sufficient, provided any departure from such standard is described in detail.

(d) Report of the measurements obtained on the fundamental, and on harmonic and other spurious signals emitted by the device. For this measurement, the frequency spectrum shall be scanned from the lowest frequency generated by the device to the 10th harmonic of the operating frequency.

(e) Representative calculations used to determine field strength from the actual meter reading indicating the conversion factors used and their source.

(f) The date the measurements were made.

(g) The name and address of the engineer or technician who made the actual measurements, and the name and address of his employer, if any.

(h) The signature and printed name and address of the engineer responsible for the report.

§ 15.254 Identification of a device certificated under § 15.214.

(a) Each device certificated under § 15.214 shall be identified by a label which may be part of the nameplate.

(b) The label shall state that a certificate has been filed with the Commission attesting compliance with the applicable technical requirements.

(c) The label shall state further:

Operation of this equipment is subject to the following two conditions: 1. This equipment may not cause harmful interference. 2. This equipment must accept any interference that may be received, including interference that may cause undesired operation.

(d) The label shall be permanently attached to the device and shall be readily visible by prospective purchasers.

(e) The label may be attached only after the certificate required by § 15.214 has been filed with the Commission.

[F.R. Doc. 69-12639; Filed, Oct. 22, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

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

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of lightweight, motorized vehicles commonly identified by the general term "snow-traveler" is permitted on areas of the Kenai National Moose Range that are closed to travel by conventional vehicles, subject to the following special conditions:

1. The use of "snow-travelers" will be permitted only during the period December 1, 1969, through March 31, 1970, provided snow depth is sufficient to protect underlying vegetation and terrain along the route of travel.

2. Only "snow-travelers" with an overall width of 46 inches or less will be permitted.

3. The use of "snow-travelers" as an aid in big-game hunting or for transporting big game is prohibited.

4. The use of "snow-travelers" on roads within the Range open to conventional vehicle travel are subject to regulations applicable to conventional vehicles.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through March 31, 1970.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

OCTOBER 14, 1969.

[F.R. Doc. 69-12638; Filed, Oct. 22, 1969; 8:45 a.m.]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyo.

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.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of mallard ducks on the Pathfinder National Wildlife Refuge, Wyo., is permitted from December 13, 1969, through January 4, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters, Walden, 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 mallard ducks subject to the following special condition:

(1) *Blinds.* The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left 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 January 4, 1970.

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

OCTOBER 17, 1969.

[F.R. Doc. 69-12640; Filed, Oct. 22, 1969; 8:46 a.m.]

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colo.

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.

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting for cottontail rabbits is permitted on the Browns Park National Wildlife Refuge, Colo., from November 15, 1969, through January 11, 1970, inclusive, except in those areas designated by signs as closed to hunting. This open area, comprising 4,501 acres, is delineated on maps available at refuge headquarters, Greystone, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting will be in accordance with all applicable State regulations covering the hunting and possession of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1970.

H. J. JOHNSON,
Refuge Manager, Browns Park National Wildlife Refuge, Vernal, Utah.

OCTOBER 17, 1969.

[F.R. Doc. 69-12675; Filed, Oct. 22, 1969; 8:48 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

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.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of desert bighorn sheep on the San Andres National Wildlife

Refuge, N. Mex., is permitted from November 1, through November 9, 1969, inclusive. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of desert bighorn sheep.

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 9, 1969.

JOHN H. KIGER,
Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, N. Mex.

OCTOBER 17, 1969.

[F.R. Doc. 69-12684; Filed, Oct. 22, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas on an Acreage-Poundage Basis for 1970–71 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary under section 317 is preparing to determine and announce on an acreage-poundage basis, with respect to Flue-cured tobacco for the 1970–71 marketing year, (a) the amount of the national marketing quota, (b) the national average yield goal, (c) the national acreage allotment, (d) the reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and for establishing allotments for new farms, (e) the national acreage factor, and (f) the national yield factor. Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for Flue-cured tobacco for the 1968–69, 1969–70, and 1970–71 marketing years on July 18, 1967 (32 F.R. 11413).

Section 317(a) of the Act contains, for the purposes of section 317, the following definitions:

(1) "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

(2) "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

(3) "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

(4) "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in subsection (e) of this section with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under subsection (f) of this section, and including any adjustment for errors or inequities from the reserve.

(5) The "community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the average for the 3 years then that year or years shall be eliminated, and the average of the remaining years shall be the community average yield.

(6) (A) "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year except that if that everage exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the 3 highest years and 50 per centum of the national average yield goal but not less than 120 per centum of the community average yield, and if the average of the 3 highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than 500 acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period the average of the yields for the years in which tobacco was produced shall be used instead of the 3-year average. If no Flue-cured tobacco was produced on the farm in the 5-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

(7) "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) for the farm prior to adjustments for overmarketing, undermarketing, or reductions required under subsection (f) and dividing the sum of the products by the national acreage allotment.

(8) "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by this section, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years.

Section 317(d) of the Act requires the Secretary to determine and announce the national marketing quota, national acreage allotment, and national average yield goal for the 1970–71 marketing year for Flue-cured tobacco on or before December 1, 1969.

Section 317(e) provides: "No farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding 5 years. For each marketing year for which acreage-poundage quotas are in effect under this section the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing

acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years. The part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator. The farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield."

Section 317(f) provides: "Only the provisions of the last two sentences of subsection (g) of section 313 of this Act shall apply with respect to acreage-poundage programs established under this section. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to this section, and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such subsection pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in this section. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by any agency, as provided in section 378 of this Act, increases or decreases in such acreage allotments and farm yields as provided in this section shall be made on account of marketings below or in excess of the farm marketing quota for the farm acquired by the agency. * * *"

Flue-cured farm marketing quotas may be leased and transferred on a pound for pound basis, under the provisions of section 316, as amended (7 U.S.C. 1316).

The Act (7 U.S.C. 1301(b)) defines the "reserve supply level" of Flue-cured tobacco as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The subjects and issues involved in the proposed determinations with respect to Flue-cured tobacco for the 1970–71 marketing year are:

1. The amount of the national marketing quota on an acreage-poundage basis.
2. The amount of the national average yield goal.
3. The amount of the national acreage allotment.
4. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.
5. The national acreage factor.
6. The national yield factor.

The community average yields, as computed in 1965 (30 F.R. 6207, 9875, 14487), will be used for the 1970–71 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C. on October 13, 1969.

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

[F.R. Doc. 69-12407; Filed, Oct. 22, 1969; 8:45 a.m.]

Consumer and Marketing Service

[7 CFR Part 907]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Extension of Time for Filing of Written Data, Views, or Arguments

Pursuant to the provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), a notice of proposed rule making was published in the October 10, 1969, issue of the FEDERAL REGISTER (34 F.R. 15713) regarding amendments to the rules and regulations (Subpart—Rules and Regulations; §§ 907.100–908.142). Interested persons were afforded the opportunity to submit written data, views, or arguments not later than October 20, 1969.

A request for extension of time for submitting such comments has been made by the Navel Orange Administrative Committee to afford interested persons additional time to consider the proposal.

Notice is hereby given that the time for submitting written data, views, or arguments on the proposal is extended until October 30, 1969.

Dated: October 20, 1969.

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

[F.R. Doc. 69-12689; Filed, Oct. 22, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 128a]

HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING

Smoked Fish

Observation in smoked fish processing plants by the Food and Drug Administration and other regulatory agencies since 1963 has shown that the smoked fish industry has not consistently adhered to manufacturing practices that would minimize the hazard of Type E botulism and the risks of food-borne infections in the consumption of smoked fish.

The Bureau of Commercial Fisheries, Department of the Interior, has suggested that adequate times and temperatures along with salt concentrations have not yet been established for each individual species smoked other than smoked chub. The Bureau provided recommendations that proposed regulations be limited to plant sanitation, excluding reference to processing techniques that would (1) deal with time-temperature relationships or (2) describe good manufacturing techniques for smoked chub that would pertain only to smoked chub as processed in accordance with the food additive regulation § 121.1230 *Sodium nitrite used in processing smoked chub* (34 F.R. 13659).

The Food and Drug Administration acknowledges that adequate times, temperatures, and salt concentrations have not been demonstrated for each individual species of fish presently smoked. Much work has been done, however, on the thermal destruction of spores of *Clostridium botulinum* Type E, and to date the processing parameters presented in the proposal are the safest known from the standpoint of preventing outgrowth and toxin formation of *C. botulinum* Type E. It has been established that the public health hazard of *C. botulinum*

Type E in smoked fish is not restricted to a single species. Examples of species found to contain spores of *C. botulinum* Type E are lake trout, salmon, black cod (sablefish), sole, sturgeon, and whitefish.

The FDA has been, is, and will continue to be receptive to scientific data that documents adequate processing parameters or offers alternate processing parameters for any individual species of smoked fish. Data must be provided showing that the proposed processing parameters adequately minimize risks of the public health hazard of poisoning by Type E botulism.

Currently, the situation exists whereby some processors base their manufacturing practices solely on the appearance and acceptability of the finished product quality to consumers rather than on any specific or controlled processing parameters that would minimize the health hazard of *C. botulinum* Type E or its toxins.

Having considered the foregoing, the Commissioner of Food and Drugs proposes the following regulations setting forth specific manufacturing practice (sanitation) requirements regarding hot processed smoked fish.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the following new Part 128a be added to Chapter I of Title 21:

PART 128a—FISH AND SEAFOOD PRODUCTS

Subpart A—Smoked Fish

Sec.

AUTHORITY: The provisions of this Part 128a issued under secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a).

§ 128a.1 Definitions.

(a) *Smoked fish.* As used in this part, the term "smoked fish" means any fish that is prepared by treating it with salt (sodium chloride) and then subjecting it to the action of smoke from burning wood, sawdust, or similar material.

(b) *Loin muscle.* As used in this part, "loin muscle" means the longitudinal quarter of the great lateral muscle freed from skin, scales, visible blood clots, bones, gills, and viscera and from the nonstriated part of such muscle, which part is known anatomically as the median superficial muscle.

(c) *Water phase salt.* As used in this part, "water phase salt" means the percent salt (sodium chloride) in the finished product as determined by the method prescribed in the "Official Methods of Analysis of the Association of Agricultural Chemists," 10th Edition, 1965, page 273, under paragraph 19.009, multiplied by 100 and divided by the percent salt (sodium chloride) plus the percent moisture in the finished product as determined by the method prescribed under paragraph 18.006.

(d) *Hot process smoked fish.* As used in this part, "hot process smoked fish" means the finished food prepared by subjecting forms of smoked fish referred to in paragraph (a) of this section to heat to cook it. The finished hot process smoked product contains not less than 3½ percent salt (sodium chloride) in the water phase of the loin muscle as determined by the methods prescribed by paragraph (c) of this section. The food additive sodium nitrite may be used in accordance with the conditions prescribed by § 121.1230 of this chapter.

§ 128a.2 Current good manufacturing practice (sanitation).

(a) The criteria in Part 128 of this chapter shall apply in determining whether the facilities, methods, practices, and controls used for the manufacture, processing, packing, or holding of fish and seafood products are in conformance with and are operated or administered in conformity with good manufacturing practice to produce, under sanitary conditions, food for human consumption.

(b) The criteria in this Subpart A set forth additional requirements for the hot process smoked fish industry.

§ 128a.3 Plants and grounds.

(a) Unloading platforms shall be:

(1) Made of readily cleanable material.

(2) Equipped with drainage facilities adequate to accommodate all seepage and wash water.

(b) The following processes shall be carried out in separate rooms or facilities, and the interior walls separating these processes shall extend from floor to ceiling and contain only necessary openings (such as for conveyors and doorways):

(1) Receiving or shipping.

(2) Storage of raw fish.

(3) Presmoking operations (thawing, dressing, brining, etc.).

(4) Drying and smoking.

(5) Cooling and packing.

(6) Storage of final product.

(c) The product shall be so processed as to prevent contamination by exposure to areas involved in earlier processing steps, refuse, or other objectionable areas.

§ 128a.4 Equipment and utensils.

(a) All food-contact surfaces (tanks, belts, tables, utensils, and other equipment) shall be made of readily cleanable materials.

(b) Metal seams shall be smoothly soldered, welded, or bonded.

(c) Each freezer and cold storage compartment used for the product shall be fitted with at least the following:

(1) An automatic control for regulating temperature.

(2) An indicating thermometer so installed as to show accurately the temperature within the compartment.

(3) A recording thermometer so installed as to indicate accurately at all times the temperature within the compartment.

(d) Thermometers or other temperature measuring devices shall have an accuracy of ±2° F.

§ 128a.5 Sanitary facilities and controls.

(a) Adequate hand-washing and sanitizing facilities shall be located in the processing room(s) or in one area easily accessible from the processing room(s).

(b) Readily understandable signs directing employees to wash and sanitize their hands after each absence from post of duty shall be conspicuously posted in the processing room(s) and elsewhere in the plant as conditions require.

(c) Offal shall be placed in suitable covered containers for removal at least once a day, or more frequently if necessary, or shall be removed by conveyors or chutes. Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in or about the plant.

§ 128a.6 Sanitary operations.

(a) Before beginning the day's operation, all utensils and product-contact surfaces of equipment to be used for the day's operation shall be rinsed and sanitized.

(b) Containers used to convey or store the fish shall not be nested or handled in a manner conducive to direct or indirect contamination of the contents.

(c) Adequate measures shall be taken when cleaning and sanitizing utensils and portable equipment to prevent this operation from leading to the contamination of fish or fish products.

§ 128a.7 Processes and controls.

(a) *Raw materials.* (1) Fresh fish shall be adequately washed and inspected to remove all fish that are filthy, putrid, decomposed, bruised, crushed or otherwise damaged.

(2) Every lot of fish that has been partially processed in another plant, including frozen fish, shall be adequately inspected, and only clean, wholesome fish shall be processed.

(3) Fresh or partially processed fish shall be chilled with ice or refrigerated to an internal temperature of 38° F. or below when received and shall be maintained at that temperature until the fish are to be processed.

(4) Frozen fish shall be received and stored at a temperature of 0° F. or below.

(b) *Defrosting of frozen fish.* (1) Frozen fish shall be defrosted:

(i) In air at 45° F. or below until other than hard frozen; or

(ii) In a continuous water overflow thaw tank or spray system using water not greater than 70° F.

(2) When a thaw tank is used, fish should not remain in the tank longer than one-half hour after they are thawed.

(3) Fish entering the thaw tanks shall be free of packaging material.

(4) On removal from the thaw tank, fish shall be washed thoroughly with a vigorous water spray.

(c) *Presmoking operation.* (1) Evisceration of fish shall be performed with minimum disturbance of intestinal tract contents. Removal of viscera shall be complete.

(2) After the evisceration process, the fish shall be thoroughly washed by means of a continuous spray system.

(3) All fish shall be brined in a solution that does not exceed 38° F.

(4) Hot process smoked fish shall be brined in such a manner that the final salt (sodium chloride) content of the loin muscle of the finished product, expressed as percent in the water phase of the loin muscle, shall not be less than 3.5 percent.

(5) Fish shall be rinsed with fresh water after brining.

(d) *Heating, cooking, smoking operation.* (1) A point-sensitive continuous temperature recording device shall be used to monitor both the internal temperature of the fish and the ambient temperature within the smokehouse.

(2) Hot process smoked fish shall be heated by a controlled heat process that provides a monitoring system positioned in as many strategic locations in the smokehouse as necessary to assure a continuous temperature throughout each fish of 180° F. or above for a minimum of 30 minutes for hot process smoked fish, except that smoked chub containing sodium nitrite as provided for in § 121.1230 of this chapter shall be processed in accordance with that section.

(e) *Packing.* (1) The finished product shall be handled only with clean, sanitized hands or gloves.

(2) Manual manipulation of the finished product shall be kept to a minimum.

(3) The finished product shall be cooled to 38° F. or below within 3 hours after smoking, and this temperature shall be maintained during all subsequent storage and distribution.

(4) The shipping containers, retail packages, and shipping records shall indicate by appropriate labeling the perishable nature of the product and shall specify that the product shall be shipped, stored, and/or held for sale at 38° F. or below until consumed.

(5) Permanently legible code marks shall be placed on the outer layer of every finished product package and master carton. Such marks should show at least the date of packing and the plant where packed.

(f) *Testing.* (1) The microbiological condition of the firm's operation shall be evaluated by the periodic collection and analysis of in-line and finished product samples coupled with sample-related inspections. This evaluation should be made at least weekly and more often when problems are encountered.

(2) The finished product shall be examined for salt content with sufficient frequency to assure that the required salinity is obtained in every fish.

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

Dated: October 16, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-12685; Filed, Oct. 22, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-114]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Errol, N.H., 700-foot transition area (34 F.R. 9853).

With the promulgation of the U.S. Standard Terminal Instrument Procedures (TERPs) the criteria for instrument procedures was revised. This revision requires a change in the airspace of the transition area which is compatible with the new instrument criteria.

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 Errol, N.H., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Errol, N.H., transition area, "within 2 miles" and insert "within 2.5 miles" in lieu thereof.

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 DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 8, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-12668; Filed, Oct. 22, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-107]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Skaneateles, N.Y. 700-foot transition area (34 F.R. 12027).

With the promulgation of the U.S. Standard Terminal Instrument Procedures (TERPs) the criteria for instrument procedures was revised. This revision requires a change in the airspace of the transition area which is compatible with the new instrument criteria.

Interested parties 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 of Skaneateles, N.Y., proposes the airspace action hereinafter set forth:

1. Section 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Skaneateles, N.Y., transition area, "2 miles each side of the Syracuse VORTAC 215° radial", and all thereafter, and insert the following in lieu thereof, "3.5 miles each side of the Syracuse VORTAC 215° radial

extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC, excluding the portion that coincides with the Syracuse, N.Y., transition area".

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 DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on October 10, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-12669; Filed, Oct. 22, 1969; 8:47 am.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-118]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Salisbury, 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 Salisbury 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 an 8-mile radius of Rowan County Airport (lat. 35°-38'30" N., long. 80°31'10" W.); within 3 miles each side of the 014° bearing from Salisbury NDB (lat. 35°40'29" N., long. 80°30'32" W.), extending from the 8-mile radius area to 8.5 miles north of the NDB.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Salisbury terminal area requires the following actions:

1. Increase the transition area basic radius circle from 6 to 8 miles.

2. Increase the extension predicated on the 014° bearing from Salisbury NDB 2 miles in width and 0.5 mile in length.

The proposed alteration is required 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.

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

Issued in East Point, Ga., on October 14, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-12670; Filed, Oct. 22, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-97]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cairo, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Cairo, Ill., Airport using a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Cairo, Ill. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

CAIRO, ILL.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Cairo Airport (latitude 89°13'05" N., longitude 37°03'55" W.); and within 3 miles each side of the 032° bearing from Cairo Airport, extending from the 5½-mile radius to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 032° and 212° bearings from Cairo Airport extending from 6 miles southwest to 18½ miles northeast of the airport; and within 5 miles each side of the 212° bearing from Cairo Airport, extending from the airport to 12 miles southwest of the airport.

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

Issued in Kansas City, Mo., on September 30, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-12671; Filed, Oct. 22, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-98]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Monticello, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Monticello, Iowa Municipal Airport using a city-owned radio beacon located approximately 2 miles southeast of the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Monticello, Iowa. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

MONTICELLO, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monticello Municipal Airport (latitude 42°13'40" N., longitude 91°10'00" W.); and within 3 miles each side of the 135° bearing from Monticello Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

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

Issued in Kansas City, Mo., on September 30, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-12672; Filed, Oct. 22, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-119]

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 700-foot transition area over Danielson Airport, Danielson, Conn.

The VOR-1 instrument approach procedure developed for Danielson Airport, Danielson, Conn., requires designation of a 700-foot floor 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 Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Danielson, Conn., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Danielson, Conn., Transition Area described as follows:

DANIELSON, CONN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°49'10" N., 71°54'05" W. of Danielson Airport, Danielson, Conn.; within 2 miles each side of the runway 13 centerline, extended from the 5-mile radius area to 7.5 miles southeast of the end of the runway; within 2 miles each side of the runway 31 centerline, extended from the 5-mile radius area to 7.5 miles northwest of the end of the runway; and within 3 miles each side of the Putnam VORTAC 196° radial, extending from the 5-mile radius area to 2 miles south of the VORTAC.

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 DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 8, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-12673; Filed, Oct. 22, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 240]

[Release Nos. 33-5012, 34-8711]

REGISTRATION OF SECURITIES ISSUED IN CERTAIN REORGANIZATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Rule 133 (17 CFR 230.133) and Form S-14 (17 CFR 239.23), proposed new Rules 153A (17 CFR 230.153A) and 181 (17 CFR 230.181) and a proposed amendment to paragraph (d) of Rule 14a-2 (17 CFR 240.14a-2) of the Commission's proxy rules. These proposals are designed to implement in part the recommendations contained in the Disclosure Policy Study Report recently submitted to the Commission.

Rule 133 (17 CFR 230.133) presently provides that the submission to a vote of stockholders of a corporation of a proposal for certain mergers, consolidations, reclassifications of securities or transfers of assets is not deemed to involve an offering of the securities of the new or surviving company to the stockholders of the predecessor company. However, the rule further provides that persons in a control relationship with the predecessor corporation who take the securities with a view to their distribution to the public are deemed to be underwriters within the securities cannot be sold without regis- meaning of section 2(11) of the Act. Except for certain limited amounts, such securities cannot be sold without registration.

The Disclosure Policy Study Report recommended that Rule 133 be revised to provide that the submission to stockholders of a proposal of the kind referred to above is deemed to involve an offering of securities to the security holders of the company being merged or consolidated or whose securities are being reclassified or assets transferred to another person. The reason for the proposed change is that when such matters are submitted to the vote of shareholders, each such shareholder is being asked to determine whether or not he wishes to surrender the security he then holds for a new security. In practical effect, therefore, the security is being offered to him. The Commission believes that it would be practical to require registration in connection with all offerings falling within the scope of Rule 133 as revised along the lines recommended in the report of the above-mentioned study. Accordingly, the Commission is considering the proposed revision of the rule along the lines recommended in the report.

Revised Rule 133 would provide that no offer or sale of a security would be deemed to be involved in sending out a bare notice of a meeting of stockholders for the purpose of voting on a proposal referred to in the rule, provided that a prospectus is sent or given to security holders entitled to vote on the proposal at least 20 days before the meeting date. Similarly, a communication permitted by Rule 14a-12 (17 CFR 240.14a-12) of the proxy rules to be sent out in advance of the proxy statement could also be sent out in advance of the prospectus relating to the offering of the securities involved in the transaction.

At present, Form S-14 (17 CFR 239.23) is a short form provided by the Commission for the registration of securities offered by persons deemed to be underwriters under Rule 133. The prospectus used in such an offering consists of a proxy statement meeting the requirements of the Commission's proxy rules under the Securities Exchange Act of 1934. The proxy statement must be supplemented by certain additional information with respect to the proposed offering and any additional information necessary to up-date the financial statements contained in the proxy statement.

While the Disclosure Policy Study Report recommended the adoption of a new form for registration of securities issued in transaction of the kind referred to above, it is believed that Form S-14 can be revised for this purpose and that a new form is not necessary. The proposed revision of Form S-14 would provide, as does the existing form, that the

prospectus shall consist of a proxy or information statement meeting the requirements of the Commission's rules. In the case of companies which are subject to those rules, the filing of the registration statement on Form S–14 would take the place of the filing of a proxy statement and form of proxy, or information statement, pursuant to the proxy or information rules and the transmittal of such material to stockholders would comply with the requirements of the Act for the furnishing of a prospectus. Thus, registration would involve little additional work on the part of these companies.

Proposed new Rule 153A (17 CFR 230.153A) would define the term "preceded by a prospectus", in connection with transactions of the kind referred to in Rule 133 to mean the sending of a prospectus prior to the vote of security holders on the transaction to all security holders of record entitled to vote thereon at their addresses of record on the transfer records of the corporation whose security holders are voting.

Proposed Rule 181 (17 CFR 230.181) would define the phrase "transaction not involving any public offering", in section 4(2) of the Act, in connection with the acquisition of a business by an issuer. The rule would provide that the phrase shall be deemed to include the offer or sale of securities to not more than 25 persons who are holders of interests in such business, whether the acquisition takes the form of a voluntary exchange, a statutory merger or consolidation or a transfer of assets. A public offering might be involved, however, if one or more of such persons should make a reoffering of the securities to the public. The rule would further provide that a person and certain family members and family interests are to be regarded as a single person for the purpose of the rule.

Paragraph (d) of the Rule 14a–2 (17 CFR 240.14a–2) provides that the proxy rules shall not apply to any solicitation involved in the offer or sale of securities registered under the Securities Act of 1933. It is proposed to amend this provision so that the exemption will not apply to solicitations involved in the offer or sale of registered securities to be issued in a Rule 133 type transaction. Thus, in such situations both the proxy rules and the registration requirements will apply. However, material filed with the registration statement will not need to be filed under the proxy rules.

Rule 169 (17 CFR 230.169) proposed by the report would define certain terms used in the definition of "underwriter" in section 2(11) of the Act so that certain persons, e.g., a corporation, its officers or directors, etc., involved in business combinations would not be deemed to be underwriters. The Commission invites comments with respect to such a rule.

The text of § 230.133 of this chapter as proposed to be revised, the proposed new §§ 230.153A and 230.181 of this chapter and the proposed amendment to § 240.14a–2 of this chapter is set forth below. Copies of Form S–14 (17 CFR 239.23) as proposed to be revised have been filed as part of this document with the Office of Federal Register and may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

§ 230.133 Offer for sale of securities in connection with reclassification and acquisition of businesses.

(a) Where there is submitted to the vote or consent of the stockholders of a corporation,

(1) A proposal for the reclassification of its securities which involves the substitution of a new security or securities for an existing security;

(2) A plan or agreement for a statutory merger or consolidation under which such corporation will not survive; or

(3) A plan or agreement for the transfer of assets of such corporation to another person in consideration of the issuance of securities of such other person or any of its affiliates;

then such corporation (in the event of a reclasification of its securities), or the person or corporation whose securities are to be issued in connection with such merger or consolidation or transfer of assets, shall be deemed to have offered such securities for sale to such shareholders: *Provided*, That, in the event of a transfer of assets, the plan or agreement provides for dissolution of the corporation whose stockholders are voting, or the board of directors of such corporation adopts resolutions relative to its dissolution, within 1 year after the taking of such vote of stockholders.

(b) This section shall supersede the provisions of § 230.133 of this chapter, as previously in effect, on and after ----------, and shall have no effect upon proposals, plans, or agreements submitted to the vote or consent of the stockholders of any corporation prior to that date.

(c) (1) For the purpose only of sections 2(10) and 5 of the Act, a notice of meeting of stockholders for the purpose of voting on or consenting to a proposal or plan for reclassification, merger or transfer of assets referred to in paragraph (a) of this section shall not be deemed to offer a security for sale, provided all of the following conditions are met:

(i) Such notice contains only a brief description of the matters to be voted upon and any other matters required by State law;

(ii) A prospectus meeting the requirements of section 10(a) of the Act relating to such proposal or plan is sent or given to each security holder who is entitled to vote upon the proposal or plan at least 20 days prior to the meeting date: *Provided*, That in the case of a class of securities in unregistered or bearer form, such prospectus need be transmitted only to those security holders whose names and addresses are known to the issuer and to those whose proxies or consents are otherwise solicited; and

(iii) No other offer is made to security holders and no other solicitation is made on behalf of the proposal or plan prior to the transmission of the prospectus referred to in subdivision (ii) of this subparagraph, except as provided in subparagraph (2) of this paragraph.

(2) For the purpose only of sections 2(10) and 5 of the Act, a communication subject to and meeting the requirements of § 240.14a–12(a) of this chapter and filed in accordance with paragraph (b) of said section shall not be deemed to offer a security for sale.

NOTE: (a) A reclassification of securities covered by this section would be exempt from registration pursuant to sections 3(a)(9) or 3(a)(10) of the Act if the conditions of either of these sections are satisfied.

(b) Transactions by issuers of securities described in this section are exempt from registration requirements under section 4(2) of the Act if they are transactions "not involving any public offering." See § 230.180 of this chapter as to the effect of resales of securities by persons other than the issuer thereof not constituting "distributions" under § 230.162 of this chapter upon the applicability of that exemption. See also § 230.181 of this chapter for definition, in connection with the acquisition of a bona fide going business, of the phrase "not involving any public offering" in section 4(2) of the Act.

§ 230.153A Definition of "Preceded by a Prospectus" as used in section 5(b)(2) of the Act, in relation to certain transactions requiring approval of security holders.

The term "preceded by a prospectus", as used in section 5(b)(2) of the Act in respect of any requirement of delivery of a prospectus to security holders of a corporation, where there is submitted to the vote of such security holders a plan or agreement for a statutory merger, consolidation or reclassification of securities or a proposal for the transfer of assets of such corporation to another person, shall mean sending of a prospectus, prior to such vote, to all security holders of record of such corporation entitled to vote on such plan, agreement or proposal, at their addresses of record on the transfer of such corporation.

§ 230.181 Definition of "Transaction Not Involving Any Public Offering" in section 4(2) of the Act in connection with the acquisition of a business by the issuer.

(a) A transaction by an issuer shall be deemed a transaction "not involving any public offering", as that phrase is used in section 4(2) of the Act, if it consists of an offer and sale of securities, made solely in connection with the acquisition of a business by the issuer, to not more than 25 offerees who are holders of interests in such business, whether the acquisition takes the form of a voluntary exchange of securities, a statutory merger or consolidation, or a purchase of assets of such business, unless a reoffering of such securities by one or more of such original offerees shall cause the entire transaction to involve a public offering.

(b) For purposes of this rule, an "offeree" shall include (1) an individual, (2) his spouse and minor children, (3) any trust or estate in which such individual, his spouse, and any of his or his spouse's minor children, collectively have a substatnial beneficial interest or as to which any of the foregoing serves as trustee, executor, or in a similar fiduciary capacity, (4) any partnership substantially all of the partnership interests in which are held by such individual, his spouse and minor children of such individual or his spouse, and (5) any corporation or other organization substantially all of the shares of which are held beneficially by such individual, his spouse and minor children of such individual or of his spouse.

NOTE: This rule is not intended to be exclusive. Depending upon the circumstances of the individual case, a transaction by an issuer of the type referred to in the rule in which securities are offered or sold to more than 25 persons may be a transaction "not involving any public offering." Issuers of securities should be aware of the fact that they bear the burden of proving that the exemption provided by section 4(2) of the Act applies to any such transaction. Persons who acquire securities in a transaction not involving a public offering should bear in mind that they may be deemed underwriters upon the resale of the securities in a transaction or transactions involving a distribution.

§ 240.14a–2(d).

(d) Any solicitation involved in the offer or sale of securities registered under the Securities Act of 1933: *Provided*, That this paragraph shall not apply to securities to be issued in any transaction referred to in Rule 133 under that Act.

NOTE. Attention is called to General Instruction D to Form S–14 (17 CFR 239.23). Soliciting material filed as a part of a registration statement on that form need not be filed pursuant to section 240.14a–6. However if any soliciting material is used which is not filed as a part of the registration statement, such material shall be filed in accordance with the requirements of these rules.

All interested persons are invited to submit their views and comments on the proposals referred to above, in writing, to the Securities and Exchange Commission on or before November 10, 1969. All such communications will be considered available for public inspection.

By the Commission, October 9, 1969.

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

[F.R. Doc. 69–12644; Filed, Oct. 22, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 16; Docket No. 69–50]

PRACTICE OF FORMER EMPLOYEES

Enlargement of Time for Filing Comments

OCTOBER 20, 1969.

At the request of the Maritime Administrative Bar Association, and good cause appearing, time within which comments may be filed in this proceeding is enlarged to and including November 10, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–12706; Filed, Oct. 22, 1969; 8:50 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1341]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 17, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission'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 eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 258), filed September 24, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. 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: *Liquid animal feed, liquid animal feed supplements, and molasses*, in bulk, in tank vehicles, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 531 (Sub-No. 259), filed October 1, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, and chemicals*, in bulk, in tank vehicles, from points in Brazoria County, Tex., to points in the United States (except Alaska, Hawaii, and Texas). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 730 (Sub-No. 313), filed September 23, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from points in California; Kellogg, Idaho; Garfield, Utah; and Denver, Colo., to points in New Jersey, New York, Pennsylvania, Massachusetts, Rhode Island, and Connecticut. NOTE: Applicant states it could tack at Kellogg, Idaho, from authorized regular route points in Oregon and Washington, and at Garfield, Utah, from authorized regular route points in California, Nevada, Utah, and Idaho. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 1486 (Sub-No. 3), filed September 8, 1969. Applicant: VAN BRUNT & SON, INC., Box 192, Bordentown Avenue, Old Bridge, N.J. 08857. Applicant's representative: Alexander Markowitz, 1619 Woodcrest Drive, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading). NOTE: By application filed September 8, 1969, applicant states it presently holds authority in its certificate MC 1486 to conduct operations as a common carrier, by motor vehicle: (A) Over regular routes, transporting: General commodities (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Matawan, N.J., and New York, N.Y., serving all intermediate points, from Matawan over New Jersey Highway 34 to junction U.S. Highway 9, thence over U.S. Highway 9 to South Amboy, N.J. (also from Matawan over unnumbered highway to Keyport, N.J., thence over New Jersey Highway 35 to South Amboy), thence over U.S. Highway 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same route. (B) Irregular routes: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Matawan, N.J., and points within 20

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

miles thereof, on the one hand, and, on the other, New York, N.Y., and points in Westchester and Rockland Counties, N.Y., within 30 miles of the city hall, New York, N.Y., those in Nassau County, N.Y., those in Pennsylvania within 100 miles of Matawan, N.J., and those in New Castle County, Del. NOTE: By the instant application, applicant seeks to eliminate the requirement that the traffic involved move between Matawan, N.J., and points within 20 miles thereof, in serving other points and areas described in said certificate; limited to traffic having prior or subsequent movement or in supplemental service in rail trailer on flat car (piggyback) service, to and from railroad ramps or yards located at points on all routes and in all areas presently served by it. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 2202 (Sub-No. 379), filed October 3, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Glasrock Products, Inc., located at or near Barton, Ala., as an off-route point in connection with its regular-route authority between Nashville, Tenn., and Birmingham, Ala. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 3854 (Sub-No. 12), filed September 25, 1969. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Richmond, Va., to points in North Carolina (except Varina, N.C., and points within 50 miles of Varina, N.C., and except points within 25 miles of Reidsville, N.C., including Reidsville, N.C.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118864 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 8310 (Sub-No. 4), filed September 26, 1969. Applicant: RAY JEFFORDS, doing business as JEFF'S TRUCK SERVICE, 408½ Main Street, Waupun, Wis. 53963. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or preserved foodstuffs and materials, equipment, and supplies* used or useful in the canning industry, from points in the township of Lomira, Wis., to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 18738 (Sub-No. 39), filed September 25, 1969. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago, Ill. Applicant's representative: Ferdinand Born, 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 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, points in Michigan, and points in Pennsylvania on and east of U.S. Highway 15. NOTE: Applicant states that it is willing accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 20981 (Sub-No. 4), filed September 17, 1969. Applicant: FUCCY HAULING & EXCAVATING, INC., Post Office Box 453, New Cumberland, W. Va. 26047. Applicant's representative: D. L. Bennett, 129 Eddington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ladle brick*, on pallets, from New Cumberland, W. Va., to Ecorse and Detroit, Mich., and Aliquippa, Pa., under contract with Crescent Brick Co., Inc., New Cumberland, W. Va. NOTE: Applicant has common carrier authority in MC 106884, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 22278 (Sub-No. 39), filed October 6, 1969. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over 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, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Grundy Center, Iowa, as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: Common control may be involved. Applicant states it intends to interline with Arrow Motor Line, Inc., at Waterloo, Iowa, to serve Twin Cities, Minn. If a hearing is deemed necessary applicant requests it be held at Des Moines or Waterloo, Iowa.

No. MC 29886 (Sub-No. 251), filed August 6, 1969. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and parts, attachments, and accessories* for use in the installation and operation of the above-named items, from the plantsite of the Chrysler Corp. at Bowling Green, Ky., to points in the United States except Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 30844 (Sub-No. 297), filed September 29, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Council Bluffs, Iowa, to points in Connecticut, Delaware, Illinois (except points on and south of U.S. Highway 36, and except Chicago, Aurora, Elgin, and Joliet), Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C., or Chicago, Ill.

No. MC 31675 (Sub-No. 17), filed September 22, 1969. Applicant: NORTHERN FREIGHT LINES, INC., Post Office Box 1189, Gainesville, Ga. 30501. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Toccoa, Ga., and Greenville, S.C., over U.S. Highway 123, serving no intermediate points. NOTE: Applicant states the purpose of this application is to convert existing irregular route authority between Toccoa, Ga., and Greenville, S.C.,

to regular route authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 41404 (Sub-No. 86), filed September 15, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities*, the transportation of which is partially exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle and at the same time with commodities subject to economic regulation presently authorized, from Galveston, Tex., to points in Arkansas, Alabama (except Montgomery), Florida (except Pensacola), Georgia (except Atlanta and 15 miles of Atlanta), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisana, Michigan, Mississippi, Missouri, Minnesota, Oklahoma, Ohio, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Chicago, Ill., or Houston, Tex.

No. MC 50069 (Sub-No. 429), filed October 2, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. 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, in tank vehicles, from Huntington, Ind., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52310 (Sub-No. 27), filed September 22, 1969. Applicant: BRUCE MOTOR FREIGHT, INC., 3920 Delaware, Post Office Box 623, Des Moines, Iowa 50309. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite and facilities of Duane Arnold Energy Center located in Linn County, approximately 3 miles northeast of Palo, Iowa, as an off-route point in connection with applicant's regular-route operating authority authorized in MC 52310 Sub 24, without restriction on pickup or delivery. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Cedar Rapids, Iowa.

No. MC 56553 (Sub-No. 20), filed September 19, 1969. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. 37203. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. 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 Tuscumbia, Ala., and Memphis, Tenn.: From Tuscumbia over U.S. Highway 43 to its junction with Alabama Highway 20, thence over Alabama Highway 20 to its junction with Tennessee Highway 69, thence over Tennessee Highway 69 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Memphis, and return over the same route, serving the intermediate points of Sheffield and Florence, Ala., and the off-route point of Muscle Shoals, Ala., restricted against service at the plantsites of Reynolds Aluminum Co. at Florence, Sheffield, and Tuscumbia, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Florence, Ala.

No. MC 56553 (Sub-No. 21), filed September 22, 1969. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. 37203. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. 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); (1) between Memphis, Tenn., and Russellville, Ky.: From Memphis over U.S. Highway 79 to junction of U.S. Highway 41A, thence over U.S. Highway 41A to junction of U.S. Highway 68, thence over U.S. Highway 68 to Russellville, and return over the same route, serving all intermediate points in Kentucky; (2) between Hopkinsville, Ky., and Cadiz, Ky.: From Hopkinsville over U.S. Highway 68 to Cadiz and return over the same route, serving all intermediate points; (3) between Memphis, Tenn., and the junction of U.S. Highways 79 and 45E at or near Milan, Tenn.: From Memphis over Interstate Highway 40 to its junction with U.S. Highway 45, thence over U.S. Highway 45 to its junction with U.S. Highway 45E, thence over U.S. Highway 45E to its junction with U.S. Highway 79, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (4) between junction of U.S. Highways 79 and 41A at or near Clarksville, Tenn., and Russellville, Ky.: From junction of U.S. Highways 79 and 41A over U.S. Highway 79 to Russellville, Ky., 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 Hopkinsville, Ky., or Memphis, Tenn.

No. MC 59150 (Sub-No. 43), filed September 26, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 59185 (Sub-No. 30), filed September 30, 1969. Applicant: HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio 44113. 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: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment), serving Lodi, Ohio, as an off-route point in connection with carrier's regular-route service over Ohio Highway 301. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 61403 (Sub-No. 201), filed September 29, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten benzoic acid*, in bulk, in tank vehicles, from the plantsite of Chas. Pfizer & Co., Inc., at Terre Haute, Ind., to Chestertown, Md., and Greensboro, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 153), filed September 26, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Perry County, Ohio, to points in Kentucky, Tennessee, North Carolina,

South Carolina, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 64600 (Sub-No. 37), filed September 18, 1969. Applicant: WILSON TRUCKING CORPORATION, Post Office Box 340, Waynesboro, Va. Applicant's representative: Harry J. Jordan, 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 Lake Monticello, Va., over Virginia Highway 53 as an off-route point in connection with applicant's Sub 8 authority between Richmond and Charlottesville, Va., serving all intermediate and off-route points within 25 miles of Waynesboro, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 64932 (Sub-No. 480), filed September 25, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Stepan Chemical Co., at or near Millsdale, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montina, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wyoming, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67866 (Sub-No. 29), filed September 22, 1969. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Post Office Box 444, Memphis, Tenn. 38101. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and livestock, between Memphis, Tenn., and points in its commercial zone, on the one hand, and, on the other, points in Arkansas in the counties of Monroe, Jackson, Woodruff, Chicot, Lonoke, Prairie, White and Pulaski, and the cities of Marvel, McGehee, Dumas, Dewitt, Stuttgart, Hamburg, Crossett, Monticello, Star City, Pine Bluff, White Hall, Batesville, Mountain Home, Gassville, Heber Springs, Fordyce, Warren, El Dorado, Smackover, Hampton, Benton, Conway, Clinton, Leslie, Marshall, Harrison, Russellville, Atkins, Hot Springs, Malvern, Arkadelphia, Gurdon, Prescott, Camden, Bearden, Magnolia, Hope, Dardanelle, Danville, Paris, Bonneville, Fort Smith, Camp Chaffee, Greenwood, Ozark, Charleston, Clarksville, Van Buren, Alma, Fayetteville, Springdale, Bentonville, Rogers, Yellville, Morrilton, Gould, and Sheridan, Ark. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. NOTE: Applicant indicates tacking at Memphis, Tenn., commercial zone (except those points located in Arkansas and Mississippi) with any authorities the company holds. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 73688 (Sub-No. 35) (Clarification), filed August 7, 1969, published in FEDERAL REGISTER issue of September 25, 1969, and republished, as clarified, this issue. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Memphis, Tenn., to points in Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 75406 (Sub-No. 36), filed September 26, 1969. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. 63118. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving the plantsite of Remington Arms Co., a subsidiary of E. I. du Pont de Nemours, Inc., near Lonoke, Ark., as an off-route point in connection with applicant's regular route authority in MC 75406. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 76065 (Sub-No. 18), filed September 18, 1969. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York, N.Y. 10001. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel and wearing apparel accessories*, in packages, when moving in the same vehicle with wearing apparel on hangers, from points in the New York, N.Y., commercial zone to the stores and facilities of Lane Bryant, Inc., in the Washington, D.C., commercial zone, as defined by the Commission; and (2) *returned and damaged shipments of wearing apparel and wearing apparel accessories*, from the destination points to the origin points in (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 83539 (Sub-No. 264), filed September 22, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New York, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Washington, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 85644 (Sub-No. 2), filed September 3, 1969. Applicant: SPRING CITY TRUCKING COMPANY, 1352 East Ellis Street, Post Office Box 293, Waukesha, Wis. 53186. Applicant's representative: Philip H. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Milwaukee, Wis., and Waukesha, Wis., and their respective terminal areas and the plantsite of Amron Corp. in the town of Mukwanago, Waukesha County, Wis., over State Truck Highway 18; (2) between Milwaukee and Waukesha and Waukesha County Highways 1 and 20; and (3) between Waukesha and the Amron Corp. plantsite, including service at intermediate points. NOTE: Applicant states that it holds intrastate commerce authority of general commodities without transfer

of lading between vehicles for the purpose of pickup and delivery; without service at points intermediate between Waukesha and Brookfield on Highway 18; and limiting its single-line service between Waukesha on the one hand, and, on the other, Milwaukee, Wauwatosa, West Milwaukee, Brown Deer, Butler, Cudahy, Glendale, Greenfield, Menomonee Falls, Mequon, Oak Creek, River Falls, St. Francis, Shorewood, Brookfield, West Allis, and Whitefish Bay. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 91053 (Sub-No. 10), filed September 23, 1969. Applicant: TRANSWORLD MOVERS, INC., 3722 Chestnut Place, Denver, Colo. 80216. Applicant's representative: Walter R. Plankinton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the United States, restricted (1) to shipments having a prior or subsequent movement beyond said points, in containers, and (2) to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it will offer all presently held authority for cancellation should the instant application be granted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Kansas City, Mo. or Cheyenne, Wyo.

No. MC 92983 (Sub-No. 536), filed September 22, 1969. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Applicant's representative: Eldon Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Springfield, Mo., to Dallas, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it presently holds authority from the Commission to perform the transportation of chemicals, in bulk, from Springfield, Mo., to Dallas, Tex., under authorities issued to it in MC-92983, Sub 407 and Sub 59. Such transportation involves the tacking of the authorities at Kansas City, Mo.-Kans., commercial zone. This application is filed for the purpose of obtaining the elimination of the use of the gateway of Kansas City, Mo.-Kans. in order to facilitate such transportation from Springfield, Mo., to Dallas, Tex. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 96098 (Sub-No. 31), filed October 2, 1969. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery 2, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper, gummed paper, paper backed with aluminum foil*, from Troy, Ohio, to points in Pennsylvania, New York, New Jersey, and Connecticut, under a continuing contract with St. Regis Paper Co., of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 96881 (Sub-No. 8), filed September 29, 1969. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK LINE, 1211 South Ninth Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark. 72901. 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 junction U.S. Highways 71 and 70 north of Lockesburg, Ark., and Little Rock, Ark., over U.S. Highway 70, serving only the intermediate point of Dierks, Ark., restricted against any transportation between Little Rock, Ark., and Fort Smith, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 100666 (Sub-No. 148), filed September 5, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board* from points in Stone County, Miss., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; (2) *poles, piling, and posts*, from points in Stone County, Miss., to points in Kansas, Oklahoma, Texas, Missouri, Arkansas, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island, New York, Vermont, New Hampshire, Maine, and the District of Columbia; and (3) *lumber*, from points in Stone County, Miss., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except points in Louisiana, Tennessee, and Kentucky). NOTE: Applicant states that it holds authority under its Sub 34 to transport lumber and lumber products, between points in Louisiana, on the one hand, and, on the other, points in Mississippi. By tacking the authority sought at Stone County, Miss., applicant could serve from points in Louisiana to points east of Stone County, Miss., on lumber traffic. No duplicating authority is being sought. Applicant is willing to accept a nonduplicating condition in any authority granted herein. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala. or Shreveport, La.

No. MC 103051 (Sub-No. 230) (Amendment), filed July 17, 1969, published in the FEDERAL REGISTER issue of August 14, 1969, amended, and republished as amended this issue. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Rutherford County, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. 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 include Missouri as a destination point. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103051 (Sub-No. 235), filed October 3, 1969. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, lacquer, and varnish, and paint, lacquer, and varnish thinners*, in bulk, in tank vehicles, from points in Clayton County, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 461), filed October 3, 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: *Hardwood flooring and lumber products*, from Laona, Wis., to points in Minnesota, Missouri, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 104149 (Sub-No. 186), filed September 26, 1969. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, Ala. Applicant's representative: William P. Jackson, Jr., 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, between Scottsboro, Ala., and points in Illinois, Indiana, and Ohio. NOTE: Applicant

states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Scottsboro or Birmingham, Ala.

No. MC 106603 (Sub-No. 106), filed September 19, 1969. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Salt and salt products;* and (2) *materials and supplies*, used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries in mixed shipments with salt and salt products, from Marysville, Mich., and Rittman, Ohio, to points in Connecticut, Delaware, Maryland, New Jersey, and Pennsylvania; and (B)(1) *salt and salt products* (except in bulk); and (2) *materials and supplies* (except in bulk), used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries in mixed shipments with salt and salt products, from the plantsite of Morton Salt Co. in Rittman, Ohio, to points in Illinois, Indiana, and Covington, Newport, and Louisville, Ky.; (C)(1) *salt and salt products*, (except in bulk); and

(2) *Materials and supplies* (except in bulk) used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries in mixed shipments with salt and salt products, from Chicago, Ill., to points in Indiana and the Lower Peninsula of Michigan; and (D)(1) *salt and salt products;* and (2) *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries in mixed shipments with salt and salt products, from St. Clair, Mich., and Akron, Ohio, to points in Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania (except points in Alleghany, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Green, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa., from St. Clair, Mich.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contact carrier authority in MC 46240 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 106760 (Sub-No. 115), filed September 25, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical fixtures, metal housewares, and housewares products*, from Altoona, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Harrisburg, Pa.

No. MC 106760 (Sub-No. 116), filed September 25, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, knocked down or sectional and/or parts thereof, from points in Jefferson County, Ala., to points in Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it now holds some duplicating authority, however, no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 106760 (Sub-No. 117), filed October 1, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard panels with parts and accessories*, from Toledo, Ohio, to points in the United States (except Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Missouri, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Alaska, and Hawaii); and (2) *doors, mill work, parts, and accessories*, from Toledo, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 106760 (Sub-No. 118), filed October 1, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards*, building, wall or insulating, mineral wool, cement, industrial noise silencers, from Cloquet, Minn.; Kalmazoo, Mich.; and East Brunswick, N.J., to points in the United States (except Alaska and Hawaii); (2) *boards*, building, wall or insulating from Lagro, Ind., to points in the United States except Alabama, Arkansas, Delaware, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Tennessee, Washington, D.C., Florida, Georgia, Alaska, and Hawaii; (3) *mineral wool, cement, industrial noise silencers*, from Largo, Ind., to points in the United States (except Alaska and Hawaii); (4) *boards*, building, wall or insulating from Trenton, N.J., to points in the United States excluding Alaska and Hawaii (except from the plant and warehouse site of Homasote Co. at Trenton, N.J., to points in Alabama, Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan (Lower Peninsula), Mississippi, Missouri, New Jersey, Ohio, Tennessee, West Virginia, District of Columbia; and (5) *mineral wool, cement, and industrial noise silencers*, from Trenton, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 380), filed September 29, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth, Post Office Box 1123, Jackson, Miss. 39205, and 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: *Sulphuric acid and acid sludge*, in bulk, in tank vehicles, between Natchez, Miss., on the one hand, and, on the other, points in East Baton Rouge, Iberville, Ascension, and St. James Parishes, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 107403 (Sub-No. 781), filed October 1, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Delaware, Ohio, to points in Alabama, Arkansas (except Fort Smith), Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107409 (Sub-No. 35), filed September 8, 1969. Applicant: RATLIFF & RATLIFF, INC., Route No. 5, Lexington, N.C. 27292. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis,

Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from East Canton, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states joinder possibilities exist with its Sub 18, wherein it conducts operations in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Indiana, Mississippi, Michigan, Illinois, Kentucky, Tennessee, Alabama, Ohio, Virginia, West Virginia, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, North Carolina, and the District of Columbia. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Mobile, Ala.

No. MC 107496 (Sub-No. 751), filed September 19, 1969. 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) *Liquid agricultural insecticides and liquid weed killing compounds*, in bulk, from Des Moines, Iowa, to points in Ohio and Wisconsin; (2) *salt;* (a) between points in Iowa; (b) between points in Nebraska; and (c) between points in South Dakota; (3) *salt*, in bulk, in pneumatic tank vehicles, from Clinton, Iowa, to points in Illinois and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through serving. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107799 (Sub-No. 10), filed September 15, 1969. Applicant: J. O. RINGGENBERG, INC., Post Office Box 1236, Dodge City, Kans. 67801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock pens, gates, chutes, and livestock handling equipment and related parts and accessories; fence posts; drag tooth harrows; livestock racks; headache racks for pickups and towbars*, from Dodge City, Kans., to points in Colorado, New Mexico, Texas, Oklahoma, Nebraska, Missouri, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 108341 (Sub-No. 23), filed October 2, 1969. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, N.C. 28208. 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: (1) *Electric controllers and instruments*, requiring special equipment or special handling by reason of size or weight, and *parts and attachments therefor*, when moving therewith, from points in Roanoke and Augusta Counties, Va., to points in the United States (except points in Alaska, Hawaii, Virginia, North Carolina, South Carolina, Georgia, and Florida); and (2) *materials and supplies* used in the manufacture and assembly of the foregoing commodities in (1) above, on return. NOTE: Applicant states that the requested authority cannot be tacked with is existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 108461 (Sub-No. 116, filed September 22, 1969. Applicant: WHITFIELD TRANSPORTATION, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989. Applicant's representatives: J. P. Rose (same address as applicant), and O. R. Jones, Post Office Box 2223, Santa Fe, N. Mex. 87501. 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); (1) between Post, Tex., and Roswell, N. Mex., over U.S. Highway 380, serving no intermediate points and serving Post, Tex., for purpose of joinder only in connection with applicant's presently authorized regular route operations; and (2) between Snyder, Tex., and Carlsbad, N. Mex., over U.S. Highway 180, serving no intermediate points and serving Snyder, Tex., for purpose of joinder only in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., with continued hearings at Dallas, Tex., and Roswell, N. Mex.

No. MC 109064 (Sub-No. 21), filed September 29, 1969. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 8367, 3301 Southeast Loop 820, Fort Worth, Tex. 76112. Applicant's representative: Reagan Sayers, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and accessories used in the installation of such products;* (1) from McPherson, Kans., to points in the United States, except Alaska and Hawaii; and (2) from Waco, Tex., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Oklahoma, Kansas, Colorado, New Mexico, Arizona, Utah, Nevada, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 109435 (Sub-No. 61), filed September 18, 1969. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Drawer J, Stroud, Okla. 74079. Applicant's representative: Wilburn J. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and soybean products*, in bulk, from Muskogee, Okla., to points in Arkansas, Louisiana, Missouri, Kansas, Texas, New Mexico, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 110420 (Sub-No. 600), filed September 23, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent yeast*, in bulk, from points in Minnesota and Illinois (except Peoria Heights), to Juneau, Wis. NOTE: Common control may be involved. Applicant states it could tack at Chicago, Ill., with its presently held authority under its Sub-282, wherein it holds authority from points in Wisconsin, Minnesota, Missouri, Indiana, Michigan, and Ohio to Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 110525 (Sub-No. 927) (Correction), filed August 25, 1969, published in the FEDERAL REGISTER issue of September 18, 1969, and republished as correct, this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, from Washington, W. Va., to Gary, Ind., and Ottawa, Ill. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to include the words "in bulk" which were erroneously omitted in the previous publication. If a hearing is

deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 932), filed September 29, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Muriatic (hydrochloric) acid*, in bulk, in tank vehicles, from Fort Worth, Tex., to Healdton, Miami, and Lillard Park, Okla.; and (2) *anhydrous hydrogen chloride*, in bulk, in shipper-owned trailers, from Fort Worth, Tex., to Woodbury, N.J., Emmaus, Pa., and Nitro, W. Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 110525 (Sub-No. 933), filed September 29, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile*, in bulk, in tank vehicles, from Woodstock, Tenn., to points in Virginia and South Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 934), filed September 29, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Delaware, Ohio, to points in Alabama, Arkansas (except Fort Smith), Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 207), filed September 29, 1969. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicle, from points in Crisp and Effingham Counties, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant requests it be held at Atlanta, Ga., Jacksonville, Fla., or Washington, D.C.

No. MC 112582 (Sub-No. 31), filed September 6, 1969. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Post Office Box 380, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives (except household goods as defined by the Commission, livestock and commodities in bulk): (1) from points in New York, New Jersey, Delaware, Virginia, Maryland, Ohio, and the District of Columbia, to Letterkenny Army Depot, Franklin County, Pa.; and (2) between points in Pennsylvania and Letterkenny Army Depot, Franklin County, Pa. NOTE: Applicant states it will tack at Letterkenny Army Depot, with presently held authority in its MC 112582 for service to points in New York, New Jersey, Delaware, Virginia, Maryland, Ohio, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 264), filed September 15, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: L. A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and petroleum products*, in bulk, in tank vehicles, from Seymour, Ind., and points within 10 miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin; and (2) *defective and contaminated shipments* of the commodities named above, from points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin, to Seymour, Ind., and points within 10 miles thereof. NOTE: Applicant states it proposes to tack with other authorities in MC 112617 and subs 47, 77, 89, 100, and 250, wherein its operations involve points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112801 (Sub-No. 96), filed September 22, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fetilizer materials*, in bulk, in tank vehicles, and/or hopper type vehicles, from the plantsites of Occidental Chemical Co. at Kenton and Mount Victory, Ohio, to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 125) (Amendment), filed August 25, 1969, published in FEDERAL REGISTER issue of September 25, 1969, amended and republished as amended this issue. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, doors, and millwork*, from points in Utah, to points in Arizona, Arkansas, California, Colorado, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Wyoming. NOTE: Applicant states no duplicate authority is being sought. Applicant further states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Albuquerque, N. Mex.

No. MC 113106 (Sub-No. 32), filed September 26, 1969. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor, and paper cartons* used in the packaging of glass containers, from South Connellsville, Scottsdale, Youngwood, and the Connellsville Airport at or near Connellsville, Pa., to points in Delaware, Maryland, the District of Columbia, and those in Virginia on west and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 60 at Amherst, Va., thence east along U.S. Highway 360 to Reedsville, Va. (except points in Accomack and Northampton Counties, Va.); and *returned shipments* of the above-specified commodities from the above-described destination territory to the above-noted origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 220), filed September 29, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Portland, Geneva, and Sunman, Ind., to points in Alabama, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 114273 (Sub-No. 49), filed September 29, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Clarinda, Postville, and Strom Lake, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, appplicant requests it be held at Chicago, Ill.

No. MC 114552 (Sub-No. 40), filed October 2, 1969. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, composition board, and plywood*, from points in Greenwood County, S.C., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., Atlanta, Ga., or Washington, D.C.

No. MC 115022 (Sub-No. 18), filed September 25, 1969. Applicant: CHAMBERLAIN MOBILHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Applicant's representative: Reubin Kaminsky, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, with hitch-ball connectors, designed to be drawn by passenger automobiles, in initial movements, from points in New Haven County, Conn., to points in the States of Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 115311 (Sub-No. 106), filed September 24, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 115331 (Sub-No. 277), filed September 29, 1969. Applicant: TRUCK TRANSPORT INCORPORATED, a corporation, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis*, except those designed to be drawn by passenger automobiles, from Fort Madison, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115648 (Sub-No. 19), filed September 25, 1969. Applicant: LUTHER LOCK, doing business as LUTHER LOCK TRUCKING, 705 13th Street, Wheatland, Wyo. 82201. 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 irregular routes, transporting: (1) *Dry animal and poultry feed;* and (2) *animal and poultry feed health aids*, in containers, when moving in the same vehicle with dry animal and poultry feed, from Denver, Colo., to points in Laramie, Albany, Carbon, Goshen, Platte, and Weston Counties, Wyo., and points in Kimball County, Nebr. NOTE: Applicant states no duplicate authority is being sought. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Denver, Colo.

No. MC 115669 (Sub-No. 106), filed October 6, 1969. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cereal binders and sealing compounds*, from McPherson, Kans., to points in Arizona, Arkansas, Illinois, Idaho, Iowa, Kansas, Louisiana, Nebraska, Nevada, New Mexico, Utah, and Wisconsin; (2) *flour* (other than edible flour, in bulk), *processed grain products* (other than flour), and *industrial starches*, from McPherson, Kans., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming; and (3) *processed grain products* (other than edible flour, in bulk), *industrial starches, cereal binders, and sealing or binding compounds*, from points in Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming to McPherson, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115826 (Sub-No. 197), filed September 30, 1969. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088 T.A., Denver, Colo. 80217. Applicant's representative: James F. Digby, Post Office Box 5088 T.A., Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, from

points in Washington, Oregon, and Idaho to points in Colorado, Nebraska, Iowa, Illinois, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Boise, Idaho.

No. MC 115840 (Sub-No. 47), filed September 23, 1969. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant's), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants, and gaskets*, from the site of the plant and warehouse facilities of the Pyramid Industries, located at or near Benton, Ark., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Memphis, Tenn., or Little Rock, Ark.

No. MC 115840 (Sub-No. 48), filed September 24, 1969. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron valves*, including *brass valves or components;* and (2) *fire hydrants*, in straight or mixed truckload shipments, from Birmingham, Ala., to points in Florida, Georgia, Tennessee, Mississippi, Arkansas, Oklahoma, Louisiana, and Texas. NOTE: Applicant states under its lead certificate, Subs 8 and 19, it holds authority to transport iron and steel mill products or iron and steel articles, from Birmingham, Ala., to points in Florida, Georgia, Tennessee, Mississippi, Arkansas, and Oklahoma. It has pending an application already here under Sub 36 on iron and steel articles from points in Alabama, on and north of U.S. Highway 80, to points in Texas, and Louisiana west of the Mississippi River. NOTE: Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116014 (Sub-No. 49), filed October 1, 1969. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. 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: *Plywood*, from the plantsite of General Plywood Corp., at or near New Albany, Ind., to points in Alabama, Connecticut, Delaware, 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, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116254 (Sub-No. 104), filed September 26, 1969. Applicant: CHEMHAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, from Birmingham, Ala., to Mount Pleasant, Tenn., points in Charleston County, S.C., and points in Polk County, Fla., and *coke dust*, from said points, to Birmingham, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116491 (Sub-No. 6), filed September 23, 1969. Applicant: FISHERS AND ARNOLD, INC., Route 5, Box 3, Falmouth, Ky. 41040. 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: *Burnt lime*, in bulk, in dump or self unloading type vehicles, from Carntown, Ky., to Middletown, Ohio, and Ashland, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 118158 (Sub-No. 3), filed September 29, 1969. Applicant: LOU'S TRANSFER & STORAGE CO., INC., 19 East Camden Street, Baltimore, Md. 21202. Applicant's representative: Charles E. Creager, Suite 1609, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. 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*, in mixed shipments, the transportation of which is partially exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with (1) above, from Wilmington, Del., to points in Maryland, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Delaware, Ohio, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., and continued at Baltimore, Md.

No. MC 118270 (Sub-No. 3), filed September 26, 1969. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 West Ramapo Avenue, Mahwah, N.J. 07430. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, in boxes, cartons, and crates, in straight and mixed shipments, from Wilmington, Del., to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 119619 (Sub-No. 18), filed September 29, 1969. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and byproducts and articles distributed by meat packinghouse*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 119656 (Sub-No. 5), filed October 3, 1969. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, Ind. 46996. 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: (1) *Refractory products, shapes or forms*, from North Judson, Ind., to Gadsden, Ala.; and (2) *steel*, from Gadsden, Ala., to North Judson, Ind., and Morton Grove, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119767 (Sub-No. 226), filed October 6, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, (1) from Champaign, Ill., to points in Indiana, Michigan, Ohio, Kentucky, and Sharon, Pa.; and (2) from Chicago, Ill., to points in Ohio, all restricted to traffic originating at the

plantsites or warehouse facilities of Kraftco. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 158), filed September 15, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, dry, in bulk, from Indianapolis, Ind., to points in West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant holds contract authority under MC 128161, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 120800 (Sub-No. 20), filed October 3, 1969. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, in tank vehicles, between Ontario, Calif., and Sandusky, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 121499 (Sub-No. 3), filed September 9, 1969. Applicant: WILLIAM HAYES LINES, INC., Hartman Drive, Post Office Box 610, Lebanon, Tenn. 37087. Applicant's representative: William Hayes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, between Lebanon, Tenn., and Atlanta, Ga.; (a) from Lebanon over U.S. Highway 231S to Murfreesboro, Tenn., thence over U.S. Highway 41 to Atlanta, and return over the same route; and (b) from Murfreesboro over Interstate Highway 24 to Chattanooga, thence over Interstate Highway 75 to Atlanta and return over the same route, serving Murfreesboro for joinder only. Restriction: Restricted against the handling of traffic which originates at, is destined to, or is interchanged at Nashville, Tenn., and points in its commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123048 (Sub-No. 163), filed September 9, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul L. Martinson (same address as above), and Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles and all-terrain vehicles;* (2) *attachments and accessories* for the commodities in (1) above; (3) *parts* of the commodities named in (1) and (2) above, from the ports of entry on the United States-Canada boundary line in the States of Michigan, New York, Vermont, New Hampshire, and Maine, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 123111 (Sub-No. 6) (Amendment), filed August 22, 1969, published in the FEDERAL REGISTER issue of September 25, 1969, and republished as amended this issue. Applicant: QUEENSWAY TANK LINES LIMITED, a corporation, Queensway Road, Chesterville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil and kerosene*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada located in New York and Vermont, on the one hand, and, on the other, points in New York and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect the destination States as Vermont and New York. If a hearing is deemed necessary, applicant requests it be held at Syracuse, Albany, or New York, N.Y.

No. MC 123294 (Sub-No. 17), filed September 15, 1969. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Street, Warsaw, Ind. 46580. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (rock, slag, or glass), and *products thereof*, from the plantsite and facilities of United States Gypsum Co. at or near Wabash, Ind., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 123490 (Sub-No. 14), filed September 8, 1969. Applicant: CHIP CARRIERS, INC., 927 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips, twists, or puffs; potato chips; fried pork skins; fried potatoes* (other than potato chips); *bakery goods* (other than frozen); *popped corn* (other than popped corn confectionery); *sugar or syrup-coated popped corn* (other than in balls or pressed form); *dry nut meats; shelled and salted peanuts; prepared food; pumpkin seed; roasted sunflower seeds; imprinted advertising, packaging, and display materials; wire or wire and sheet metal combined store display racks and stands; cooked, cured, or preserved sausages; cooked, cured, or preserved meats; food dip mixes, dry; and bean dip*, between the plants and warehouses of Frito-Lay, Inc., located at Council Bluffs and Ottumwa, Iowa; Topeka, Kans.; St. Louis and Kansas City, Mo.; Chicago and River Grove, Ill.; Rhinelander, Madison, and Monroe, Wis.; Grand Forks, N. Dak.; Denver, Colo.; and Minneapolis, Minn.; on the one hand, and, on the other, points in North Dakota, Minnnesota, Wisconsin, and Illinois, under a continuing contract with Frito-Lay, Inc., of Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Dallas, Tex.

No. MC 125140 (Sub-No. 9), filed September 29, 1969. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and fruit juices*, from Whitehall and Chippewa Falls, Wis., to points in that part of Minnesota bounded by a line beginning at Wabasha, Minn., and extending along Minnesota Highway 60 to junction U.S. Highway 65, thence along U.S. Highway 65 southward to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line eastward to the Mississippi River, thence northward along the Mississippi River to Wabasha, Minn., the point of beginning, including points on the highways indicated; and (2) *returned shipments of such commodities*, from points in the above-described territory in Minnesota, to Whitehall and Chippewa Falls, Wis., under contract with Land O'Lakes Creameries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125391 (Sub-No. 2), filed September 26, 1969. Applicant: JOHN KAWALEK, SHIRLEY KAWALEK, AND DAVID KAWALEK, a partnership, doing business as KAWALEK TRUCKING, Route 1, Mora, Minn. 55051. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Alfalfa meal and alfalfa pellets*, from Grasston, Minn., to points in Wisconsin on and north of U.S. Highway 10, and on and west of U.S. Highway 51, and Wausau, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125497 (Sub-No. 9), filed September 29, 1969. Applicant: L. WOODS & SON TRANSPORT LIMITED, a corporation, 5005 Irwin Avenue, La Salle, Quebec, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete panels and structural members*, from ports of entry along the international boundary line between Canada and the United States at Coburn and Core, Maine; Norton, Derby Line, and Highgate Springs, Vt.; and Rouses Point, Champlain, and Trout River, N.Y., to points in Maine, New Hampshire, Vermont, New York, Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y.

No. MC 125708 (Sub-No. 119), filed September 25, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, paper and paper products*, from points in Clinton, Jefferson, Marion, and Washington Counties, Ill., to points in the United States (except Alaska and Hawaii); and (2) *containers, paper and paper products, and such materials as are used* in the manufacture of containers, paper, and paper products, from points in the United States (except Alaska and Hawaii), to points in Clinton, Jefferson, Marion, and Washington Counties, Ill. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125708 (Sub-No. 120), filed September 29, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and fiberglass products*, from points in Alexander County, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, such as is handled in wholesale and retail stores and discount houses, from points in the United States (except Alaska and Hawaii) to points in Alexander County, Ill. NOTE: Applicant states it holds no authority with which it could presently feasibly tack but has similar authority pending in its Sub-No. 111. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126222 (Sub-No. 10), filed October 6, 1969. Applicant: JOSEPH A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, Post Office Box 310, Du Quoin, Ill. 62832. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bar stools*, from the plantsite of Turco Manufacturing Co., at Du Quoin, Ill., to points in the United States (except Alaska and Hawaii), under contract with Turco Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 127122 (Sub-No. 3), filed September 22, 1969. Applicant: JOE MOSS, doing business as SIMPSONVILLE GARAGE WRECKER SERVICE, Box 66, Simpsonville, Ky. 40067. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, and repossessed motor vehicles;* (2) *wrecked or disabled trailers*, designed to be drawn by passenger automobiles; and (3) *replacement vehicles and parts therefor*, by use of wrecker equipment only, between points in Kentucky on and west of U.S. Highway 23 and points in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it will tack with its existing authority in MC 127122 and Sub-No. 1. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127699 (Sub-No. 3), filed September 17, 1969. Applicant: LEE CARTAGE COMPANY, a corporation, 2026 Cleveland Avenue SW., Canton, Ohio 44707. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts* for steel buildings, from Canton, Ohio, to points in Indiana, those in Crawford, Erie, Mercer, and Venango Counties, Pa., and that part of Michigan on and south of Michigan Highway 46; under contract with Macomber, Inc., Canton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, Ohio, or Washington, D.C.

No. MC 127834 (Sub-No. 38) (Correction), filed August 14, 1969, published in the FEDERAL REGISTER issue of September 5, 1969, and republished this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 32703. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and parts and accessories* used in the installation thereof, from Columbia, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. This republication is for the purpose of showing Columbia, S.C., as the point of origin. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127844 (Sub-No. 6), filed September 16, 1969. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, Rural Delivery No. 2, Box 162, Mullins, S.C. 29574. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable shipping baskets;* (a) from Yemessee, S.C., to points in Louisiana, and points east of the Mississippi River; (b) from Akron, Ohio, to points in South Carolina; and (2) *new furniture;* (a) from points in Jasper County, S.C., to points in Louisiana, and points east of the Mississippi River; and (b) from points in Hall County, Ga., to points in Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 128095 (Sub-No. 5), filed October 2, 1969. Applicant: PARKER TRUCK LINE, INC., Westmoreland Drive, Box 1402, Tupelo, Miss. 38801. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Senatobia, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 128375 (Sub-No. 34), filed September 29, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air handling units, makeup air*

systems, heating and ventilating units, gas unit heaters, and cooling and heating systems, and equipment, materials, and supplies used in the manufacture thereof; between Hastings, Nebr., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin, under contract with Dravo Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 133399 (Sub-No. 1), filed September 18, 1969. Applicant: IOWA GATEWAY, INC., doing business as IOWA GATEWAY TERMINAL, a corporation, River Road, Keokuk, Iowa 52632. Applicant's representative: A. Arthur Davis, 400 Empire Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, between points in Iowa, Illinois, and Missouri, under contract with Diamond Crystal Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133453 (Sub-No. 3), filed September 8, 1969. Applicant: M. MILESTONE, INC., Delaware Avenue and Jackson Street, Philadelphia, Pa. 19105. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, in containers; (a) between Philadelphia, Pa.; Baltimore, Md.; Bound Brook, N.J.; and Linden, N.J.; and (b) from Philadelphia, Pa., to Carlstadt and Elizabeth, N.J.; Farmingdale, Jamaica, Mount Kisco, Newburgh, and Rochester, N.Y.; Norfolk and Richmond, Va.; and Norton and Worcester, Mass.; under contract with Boulevard Beverage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133596 (Sub-No. 3), filed September 17, 1969. Applicant: LAWRENCE M. FAIRALL, doing business as WHITEY'S AUTOMOTIVE SERVICE, 215 Ohio Avenue, Fremont, Ohio 43420. Applicant's representative: Lewis S. Witherspoon, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, and repossessed motor vehicles, trailers, and buses* (except trailers designed to be drawn by passenger automobiles); and (2) *replacement vehicles for wrecked or disabled motor vehicles and trailers* (except trailers designed to be drawn by passenger automobiles), by use of wrecker equipment only, between, that portion of Ohio north and west of a line beginning at the Ohio-Indiana State line and extending east on U.S. Highway 224 to the junction of U.S. Highway 224 and U.S. Highway 30, thence east on U.S. Highway 30 to the junction of U.S. Highway 30 and U.S. Highway 30N, thence east on U.S. Highway 30N to the junction of U.S. Highway 30N and Ohio Highway 4 thence north on Ohio Highway 4 to Sandusky, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing it deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133646 (Sub-No. 2), filed September 22, 1969. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, between Sidney, Billings, and Hardin, Mont., and Lovell, Worland, and Torrington, Wyo. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133681 (Amendment), filed April 21, 1969, published in FEDERAL REGISTER issues of May 15, 1969, and July 3, 1969, and republished as amended this issue. Applicant: BIG CHET & SONS TRUCKING, INC., 203 Diamond Street, Brooklyn, N.Y. 11232. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, soaps, lotions, perfumes, creams, powders, materials, and supplies* used in the preparation of the aforesaid commodities between points in the New York, N.Y., commercial zone as defined by the Commission in Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exempt provisions provided by section 203(b)(8) of the Act (exempt zone) on the one hand, and, on the other, points in Bergen, Essex, Union, Hudson, and Monmouth Counties, N.J.; and (2) *returned and rejected shipments*, on return, under contract with Sacoma Cosmetiques, LCR Sales Service, B. H. Kruger, Inc., and Vitabath, Inc. NOTE: The purpose of this republication is to show Bergen and Essex as counties in New Jersey and add Union County as an additional county as part of base territory. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133689 (Sub-No. 1), filed September 22, 1969. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representatives: James F. Sexton (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. 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 Huron, S. Dak., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack. Applicant holds contract carrier authority under Docket No. MC 76025 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Chicago, Ill.

No. MC 133751 (Sub-No. 2), filed September 19, 1969. Applicant: RENO-LOYATON-CALPINE STAGE LINES, INC., Post Office Box 367, Loyalton, Calif. 96118. Applicant's representative: Marshall B. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, commodities in bulk, commodities requiring special handling or special equipment, and used household goods as defined by the Commission); restricted against the transportation of packages or articles weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day; between Reno, Nev., and Downieville, Calif., from Reno over U.S. Highway 395 to Hallelujah Junction, Calif., thence over California Highway 70 to Vinton, thence over California Highway 49 to Downieville, and return over the same route, serving all intermediate points, and serving the off-route point of Calpine, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Reno, Nev., or San Francisco, Calif.

No. MC 133934 (Sub-No. 2), filed September 29, 1969. Applicant: V. A. HILLS, doing business as HILLS CONSTRUCTION COMPANY, Mankato, Kans. 66956. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined in sections A, B, and C of appendix I, *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities of Downs Packing, Inc., at or near Downs, Kans., to the TOFC facilities of Chicago Rock Island and Pacific Railroad Co., at or near Mankato, Kans.; restricted to traffic having a subsequent rail movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 133973 (Sub-No. 1), filed September 16, 1969. Applicant: HUNTINGTON MOVING & STORAGE COMPANY, a corporation, 1102 Vernon Street, Huntington, W. Va. 25719. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C.

20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Barbour, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, McDowell, Mason, Mercer, Mineral, Mingo, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wirt, Wood, and Wyoming Counties, W. Va.; Gallia, Jackson, Lawrence, Meigs, Pike, Scioto, Vinton, and Adams Counties, Ohio; and Boyd, Carter, Elliott, Flemming, Floyd, Greenup, Johnson, Lawrence, Lewis, Magoffin, Martin, Mason, Morgan, Pike, and Rowan Counties, Ky.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Huntington, W. Va.

No. MC 134028, filed September 5, 1969. Applicant: CEMELLE BEAUDOIN, doing business as B & B SERVICE, 2817 South Dort Highway, Flint, Mich. 48507. Applicant's representative: E. K. Williams, 11504 North Saginaw, Clio, Mich. 48420. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked automobiles*, between Flint, Mich., and Toledo, Ohio, under contract with H. E. Joubert. NOTE: If a hearing is deemed necessary, applicant requests it be held at Flint, Lansing, Detroit, or Pontiac, Mich.

No. MC 134031 (Sub-No. 1), filed September 15, 1969. Applicant: JOSEPH T. WALDO AND WILLIAM G. YOKELEY, a partnership doing business as MAC'S PRODUCE COMPANY, Louisburg Road, Raleigh, N.C. 27604. Applicant's representative: Charles R. Hassell, Jr., Post Office Box 1150, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodity containers such as baskets, hampers, and crates* manufactured of wood, wood and wire combined, or wood, wire, and plastic combined (set up or knocked down), and *wooden crate material*, from Murfreesboro and Milwaukee, N.C., to points in North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 134032, filed September 8, 1969. Applicant: THUNDERHEAD OIL & GAS COMPANY, a corporation, Post Office Box 894, 2030 Second Street SW., Albuquerque, N. Mex. 87103. Applicant's representatives: Wayne C. Wolf, 820 Simms Building, 400 Gold Avenue SW., Albuquerque, N. Mex. 87101, and Jerry R. Murphy, 708 La Veta Drive NE., Aubuquerque, N. Mex. 87108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt products, road emulsions*, in bulk; *asphalt, and asphalt products* in containers and in fiber cartons; (1) from Albuquerque, N. Mex., to Grand Canyon, Ariz., and points in Arizona on and east of a line beginning at the point where the Arizona-Utah State line is crossed by U.S. Highway 89 (near Page, Ariz.), thence along U.S. Highway 89 to junction U.S. Highway 164, thence along U.S. Highway 164 to junction Arizona Highway 264 (at or near Tuba City, Ariz.), thence along Arizona Highway 264 to junction Arizona Highway 77 (at or near Jeddito, Ariz.), thence along Arizona Highway 77 to junction U.S. Highway 66 (Interstate Highway 40), thence along U.S. Highway 66 (Interstate Highway 40) to junction U.S. Highway 180 (at or near Holbrook, Ariz.), thence along U.S. Highway 180 to junction U.S. Highway 60 (at or near Springerville, Ariz.), and thence along U.S. Highway 60 to the Arizona-New Mexico State line; and, (2) from Albuquerque, N. Mex., to points in Colorado on and south of a line beginning at the point where the Utah-Colorado State line is crossed by U.S. Highway 160 (near Northdale, Colo.), thence along U.S. Highway 160 to junction U.S. Highway 84 (at or near Pagosa Springs, Colo.), and thence along U.S. Highway 84 to the Colorado-New Mexico State line (near Chromo, Colo.); and (3) traversal authority from Albuquerque, N. Mex., to points on the Navajo Reservation within San Juan and McKinley Counties, N. Mex., traversing points in Arizona within the boundaries described in paragraph (1) above. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Tucson, Ariz.

No. MC 134043 (Sub-No. 1), filed September 18, 1969. Applicant: ART KNIGHT INC., 316 Southeast Market Street, Post Office Box 14626, Portland, Oreg. 97204. Applicant's representative: Seymour L. Coblens, Corbett Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shingles and shakes*, from shingle and shake mills located in Washington and Oregon to points in California, under a continuing contract or contracts with Fluhrer Bros., a partnership and Wasser Fluhrer, Inc., a Washington corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 134046 (Sub-No. 2), filed September 22, 1969. Applicant: E. R. HUNTER, INC., 169 Maltese Avenue, East Paterson, N.J. 07407. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10060. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorescent and incandescent light fixtures and accessories* used in the installation thereof, from the plantsite of Silvray-Litecraft Corp. in Passaic, N.J. to points in Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and New Hampshire; and (2) *commodities* used in the manufacture of the above-described articles (except in bulk), from the above-described destination territory to the plantsite of Silvray-Litecraft Corp. in Passaic, N.J., under contract with Silvray-Litecraft Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134055, filed September 18, 1969. Applicant: TRANSLAND TRANSPORT (1968), INC., 205 Milton Avenue, Ville St. Pierre, Quebec, Canada. 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: *Empty steel drums, pails, and parts therefor*, between ports of entry on the international boundary line between the United States and Canada at or near Highgate Spring, Norton Mills, and Derby Line, Vt., and Rouses Point, N.Y., on the one hand, and, on the other, Boston, Mass., and Milford, Conn., under contract or continuing contracts with National Containers Ltd. and its subsidiary MacDonald Drums Manufacturing Corp. Restriction: Restricted to shipments originating at or destined to plantsites of National Containers, Ltd., Ville St. Pierre, Quebec, Canada, and MacDonald Drums Manufacturing Corp., Ville St. Pierre, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Boston, Mass., or Albany, N.Y.

No. MC 134056, filed September 15, 1969. Applicant: MODERN ASSEMBLY AND DISTRIBUTION, INC., 1030 West Division Street, Chicago, Ill. Applicant's representative: John A. Truesdell, 1415 East Sunrise Boulevard, Post Office Drawer 4187, Fort Lauderdale, Fla. 33304. 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 commodities requiring special equipment, between points in St. Lucie, Martin, Palm Beach, Broward, Dade, Hendry, Collier, Monroe (excluding that part of Monroe County known as the Florida Keys south of Islamorada, Fla.), Glades and Okeechobee Counties, Fla., restricted to shipments arriving or departing from all points in the aforesaid territory by rail, by motor carrier, by private carrier of property by motor vehicle, by water and by air. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Lauderdale, West Palm Beach, or Miami, Fla.

No. MC 134077, filed September 29, 1969. Applicant: NORTHERN BOTTLING COMPANY OF MINOT, NORTH

DAKOTA, a corporation, 1629 South Broadway, Minot, N. Dak. 58701. 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: *Pallets*, between points in Minnesota, on the one hand, and, on the other, points in North Dakota. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 134078, filed September 30, 1969. Applicant: C & J TRANSPORT, INC., Post Office Box 115, Gillespie, Ill. 62033. Applicant's representative: G. L. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (bottles or jars), *caps, covers, stoppers, tops, and fiberboard boxes*, from the plantsite and facilities of Obear-Nester Glass Co., located at Lincoln, Ill., to points in Wisconsin, Iowa, Missouri, Lower Michigan, Indiana, Illinois, Ohio, Kentucky, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 134084, filed October 1, 1969. Applicant: CLIFFORD M. SHROCK, Route 1, Box 23, Woodburn, Oreg. 97071. Applicant's representative: Kenneth G. Thomas, 1321 Southeast Water Avenue, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between points in Clackamas, Marion, Polk, and Linn Counties, Oreg., on the one hand, and, on the other, Portland, Oreg., and Longview, Ridgefield, and Vancouver, Wash., and (2) between Portland, Oreg., on the one hand, and, on the other, Longview, Ridgefield, and Vancouver, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

MOTOR CARRIERS OF PASSENGERS

No. MC 946 (Sub-No. 2), filed October 1, 1969. Applicant: PAROCHIAL BUS SYSTEM, INC., 3320 Hutchinson Avenue, Bronx, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, from Bronx, N.Y., to Green Mountain Race Track, Pownell, Vt., and return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 33446 (Sub-No. 2), filed July 7, 1969. Applicant: THE REDIFER BUS COMPANY, a corporation, 977 Winona Drive, Youngstown, Ohio 44511. Applicant's representative: Martin E. Cusick, First Federal Building, 1 East State Street, Sharon, Pa. 16146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle in special and charter operations, in groups and parties, with stopover privileges, from points in Ohio (except that part of Ohio south of U.S. Highway 224) in the counties of Ashland, Medina, Summit, Portage, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll, Ohio; to points within the continental United States and Alaska and Hawaii. NOTE: Applicant states it intends to tack and in connection therewith states it is now certificated under MC 33446 to render group and party service from all points in Ohio to 27 other States and the District of Columbia. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Youngstown, Ohio, Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 61335 (Sub-No. 12), filed October 2, 1969. Applicant: TRANSBRIDGE LINES, INC., Post Office Box 146, Phillipsburg, N.J. 08865. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at points in Warren County, N.J., Lehigh and Northampton Counties, Pa., and those in that part of Bucks County, Pa., on and east of U.S. Highway 611, from Doylestown, Pa., to the county line north of Riegelsville, Pa., and on and north of U.S. Highway 202, from Doylestown, Pa., to New Hope, Pa., and extending to points in Alabama, Arizona, Arkansas, Idaho, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, Oklahoma, Oregon, South Dakota, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa.

No. MC 111191 (Sub-No. 2), filed July 7, 1969. Applicant: BORTNER BUS COMPANY, a corporation, Rural Delivery 1, Sharpsville, Pa. 16150. Applicant's representative: Martin E. Cusick, First Federal Building, East State Street, Sharon, Pa. 16146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, in groups and parties, with stop-over privileges, (a) from points in Mercer, Crawford, Venango, Butler, and Lawrence Counties, Pa., to all points in the continental United States including Alaska and Hawaii, and (b) between Grove City, Pa., and Sharon, Pa., over Pennsylvania Route 58 to Mercer Borough, Pa., and thence over U.S. Highway 62 to Sharon, Pa., as presently authorized in MC 111191, and points in the continental United States including Alaska and Hawaii. NOTE: Applicant holds authority under MC 111191 for group and party service from that portion of Mercer County west of Route 19 to the State of Ohio and to points in the States of New York and West Virginia; and the present application would seek to join the remaining portion of Mercer County and the counties of Crawford, Venango, Butler, and Lawrence to the territory and to enlarge the points of destination to all points in the continental United States including Alaska and Hawaii. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Youngstown, Ohio, Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 129524 (Sub-No. 3), filed September 7, 1969. Applicant: MALVERN JOHN REID, doing business as REID BUS LINE, 1107 Seventh Street, Harlan, Iowa 51537. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular Routes: (1) *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (a) between Neola and Harlan, Iowa, over Iowa Highway 64 to Harlan, Iowa, and return over the same route, serving all intermediate points; (b) between Portsmouth and Defiance, Iowa, from Portsmouth over Iowa Highway 191 to Earling, Iowa, thence over Iowa Highway 37 to junction U.S. Highway 59, thence over U.S. Highway 59 to Defiance, Iowa, and return over the same route, serving all intermediate points; (c) between Harlan and Irwin, Iowa, from Harlan over U.S. Highway 59 to junction of Iowa Highway 268, thence over Iowa Highway 268 to Irwin, Iowa and return over the same route, serving all intermediate points; (d) between Harlan and Elk Horn, Iowa, from Harlan over Iowa Highway 64 to Kimballton, Iowa, thence over Iowa Highway 173 to Elk Horn, Iowa, and return over the same route, serving all intermediate points; (e) between Avoca and Elk Horn, Iowa, from Avoca, Iowa, over Iowa Highway 83 to junction of unnumbered road approximately 4 miles east of Marne, Iowa, thence over unnumbered road to Elk Horn, Iowa, and return over the same route, serving all intermediate points; (f) between Harlan and Panama, Iowa, from Harlan, over U.S. Highway 59 to junction unnumbered road approximately 9 miles north of Harlan, Iowa, thence over unnumbered road through Westphalia, Iowa, to Panama, Iowa, and return over the same route, serving all intermediate points;

(g) Between Minden and Harlan, Iowa, from Minden over Iowa Highway 83, to junction Iowa Highway 168, thence over Iowa Highway 168 to Shelby, Iowa, thence over unnumbered road through Tennant, Iowa, to junction Iowa Highway 64, thence over Iowa Highway 64 to Harlan, Iowa, and return over the same route, serving all intermediate points; (h) between Corley and Elk Horn, Iowa, eastward over unnumbered road to Elk Horn, Iowa, and return over the same route, serving all intermediate points; and (i) between Neola and Elk Horn, Iowa, from Neola over Iowa Highway 64 to junction of Interstate Highway 80N, thence over Interstate Highway 80N to

junction Interstate Highway 80, thence over Interstate Highway 80 to junction unnumbered road approximately 7 miles south of Elk Horn, Iowa, thence over unnumbered road to Elk Horn, Iowa, and return over the same route, serving all intermediate points. (B) Irregular routes: (2) Passengers and their baggage, in special and charter operations, (a) beginning and ending at all points on carrier's present operating certificates (except from Omaha, Nebr., and from Council Bluffs, Iowa), and (b) beginning and ending at all points on carrier's proposed operations identified above, and extending to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it intends to tack at junction Iowa Highways 64 and 83 1 mile north of Neola, Iowa; Avoca and Harlan, Iowa—create service from Omaha, Nebr., to territory shown. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

APPLICATION OF WATER CARRIER

No. W-390 (Sub-No. 7) (WARRIOR & GULF NAVIGATION COMPANY—Extension—ARKANSAS RIVER) filed October 6, 1969. Applicant: WARRIOR & GULF NAVIGATION COMPANY, a corporation, Post Office Box 11397, Chickasaw, Ala. 36611. Applicant's representative: Robert R. Wertz, 525 William Penn Place, Pittsburgh, Pa. 15230. Pursuant to fifth amended permit issued June 4, 1964, applicant is authorized to operate as a contract carrier by self-propelled vessels and by non-self-propelled vessels with the use of separate towing vessels, in interstate or foreign commerce, in the transportation of (1) aluminum, asphalt, bags (cloth), bags (paper), billets (steel), boiler tubes, canned goods, caustic soda, chemicals, coal, crossties, culverts, fabricated material, ferro chrome, ferro manganese, ferro titanium, houses (fabricated), ingots, iron and steel articles, lumber, machinery, manganese ore, paint, paper, petroleum products, pig iron, pipe, platforms (wooden), racks (steel), rolling-mill rolls, roofing, rope (wire), sal ammoniac, sal-ammoniac skimmings, scrap iron, sinter (manganese), slabs (steel), slag, soap, soda ash, sodium fluoride, spelter, sulphate of ammonia, sulphur, tar, tin (pig), and varnish, between points on the Gulf Intracoastal Waterway System, the Gulf of Mexico coast between Brownsville, Tex., and Fort Pierce, Fla., the lower Mississippi River between Memphis, Tenn., and its mouth, Lake Pontchartrain and its tributaries, the Warrior and Tombigbee Rivers between Port Birmingham and Mobile, Ala., all inclusive, and the Port Allen section of the Gulf Intracoastal Waterway; (2) iron ore and fluorspar from Mobile to Port Birmingham, Ala., by way of the Warrior and Tombigbee Rivers; and (3) iron and steel articles between ports and points along the Atlantic Coast from Fort Pierce, Fla., to Cape Kennedy, Fla., both inclusive. By application filed October 6, 1969, applicant seeks a revised permit authorizing extension of its operations as a *contract carrier*, in interstate or foreign commerce, of the *commodities listed above*, over the following revised routes: (1) Between ports and points located on the Verdigris and Arkansas Rivers and their tributaries from Catoosa, Okla., to the confluence with the Arkansas Post Canal, the Arkansas Post Canal, and the White River and its tributaries from its confluence with the Arkansas Post Canal to its confluence with the Mississippi River, and (2) between points and ports specified in (1) above, on the one hand, and, on the other, ports and points which applicant is presently authorized to serve pursuant to its fifth amended permit No. W-390.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12759 (Sub-No. 2) (Amendment), filed April 7, 1969, published in FEDERAL REGISTER issues of May 1, 1969 and June 5, 1969, amended October 1, 1969, and republished, as amended this issue. Applicant: SKI-O-RAMA TOURS, INC., 7 South Franklin Street, Hempstead, N.Y. 11550. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Hempstead, N.Y., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage in round trip, all-expense tours, beginning and ending at Denver, Colo.; New Orleans, La.; Los Angeles, Calif.; and Chicago, Ill., and extending to points in the United States, including Alaska and Hawaii. Restriction: The transportation to be authorized is subject to the prior or subsequent movement by interstate air or interstate railroad commerce, from or to New York, N.Y., of passengers and their baggage to or from the points of origin or destination as described above. NOTE: The purpose of this republication is to redescribe the authority sought.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1124 (Sub-No. 221), filed September 30, 1969. Applicant: HERRIN TRANSPORTATION CO., a corporation, 2301 McKinney Avenue, Houston, Tex. 77001. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, and commodities in bulk), serving the site of the Remington Arms Co. plant located 5 miles west of Lonoke, Ark., adjacent to Interstate Highway 40, as an off-route point in connection with applicant's presently authorized regular route operations over U.S. Highway 70 and Interstate Highway 40. NOTE: Common control may be involved.

No. MC 89723 Sub-No. 56), filed September 29, 1969. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis, 210 North 13th Street, St. Louis, Mo. 63103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Eudora and Hamburg, Ark., via Arkansas Highway 8 (a distance of 37 miles), as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points.

No. MC 125018 (Sub-No. 2) (Amendment), filed September 9, 1969, published in FEDERAL REGISTER issue of September 25, 1969, amended September 30, 1969, and republished in part as amended this issue. Applicant: TENNESSEE TRUCK LINES, INC., Route No. 4, Dandridge, Tenn. 37725. Applicant's representative: James R. Harrington (same address as applicant). The purpose of this republication in part is to show Item (5) *Canned goods and animal foods; materials, equipment and supplies* used in canning, packaging, and distributing canned goods; *materials* for production of cans; *seeds and fertilizer* from points in Indiana, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Virginia, West Virginia, Kentucky, Illinois, Mississippi, Louisiana, Oklahoma, Missouri, Iowa, Nebraska, Idaho, North Dakota, and Minnesota to Augusta, Wis. The State of Indiana was added as an origin State. The rest of the application remains the same.

By the Commission.

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

[F.R. Doc. 69-12606; Filed, Oct. 22, 1969; 8:45 a.m.]

[Notice No. 926]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 20, 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 730 (Sub-No. 314 TA), filed October 10, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio, for 180 days. Supporting shipper: U.S. Department of Defense, Washington, D.C. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 3009 (Sub-No. 82 TA), filed October 14, 1969. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (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), serving Neely, Miss., as an off-route point in connection with applicant's present operation over U.S. Highway 98 and Mississippi Highway 57 and 63, for 180 days. NOTE: Applicant does intend to tack. Supporting shipper: Lucedale Sportswear Co., Inc., Lucedale, Miss. 39452. 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 79999 (Sub-No. 7 TA), filed October 13, 1969. Applicant: E. JACK WALTON TRUCKING COMPANY, 13020 Sarah's Lane, Houston, Tex. 77015. Applicant's representative: Mack Coker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from New Orleans, La., to points in Mississippi, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Johns-Manville Products Corp. (T. J. Pusilier, Regional Traffic Manager), Post Office Box 128, Marrero, La. 70072. Send protests to: John C. Redus, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 103993 (Sub-No. 462 TA), filed October 10, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck campers, camp coaches, and trailers* designed to be drawn by passenger automobiles, from Loyal, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Ohio, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper: Black River Campers Corp., Main Street, Loyal, Wis. 54446. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106603 (Sub-No. 107 TA), filed October 14, 1969. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from St. Clair, Mich., to points in New York and Pennsylvania (except Allegheny, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Vernango, Warren, Washington, and Westmoreland Counties, Pa.), *salt and salt products* (except in bulk), from Akron, Ohio, to points in New York, for 180 days. Supporting shipper: Diamond Crystal Salt Co., 916 South Riverside, St. Clair, Mich. 48079. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 111812 (Sub-No. 390 TA), filed October 10, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to points in Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Virginia, and West Virginia, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801; R. A. Archambault, Traffic Manager, Frozen Foods Division. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113678 (Sub-No. 365 TA) filed October 13, 1969. Applicant: CURTIS, INC., Post Office Box 16004 Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Those commodities normally used by and dealt in by restaurants* (except meat, meat products, meat byproducts and articles distributed by meat packinghouses), from the distribution warehouse of Barbecue Inns International, Inc., and shipping facilities used by Barbeque Inns International, Inc., at Denver, Colo., to points in the District of Columbia, Florida, Georgia, Iowa, Illinois, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Virginia, and Wisconsin, for 180 days. Supporting shipper: Barbecue Inns International, Inc., 9157 Lyndale Avenue South, Minneapolis, Minn. 55402. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 127867 (Sub-No. 3 TA), filed October 13, 1969. Applicant: TRANSOL COMPANY, 116 Forest Avenue, Des Moines, Iowa 50314. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, (1) from Minneapolis and St. Paul, Minn., to Bettendorf, Council Bluffs, Des Moines, and Forest City, Iowa; (2) from Wood River, Ill., to Bettendorf, Council Bluffs, Des Moines, Muscatine, and Waterloo, Iowa, and (3) from South Charleston, W. Va., to Des Moines, Iowa, for the accounts of Barton Solvents, Inc., Barton Solvents Co., and Barton Naptha Corp., for 150 days. Supporting shippers: Barton Solvents, Inc., Barton Solvents Co., Barton Naptha Corp., 116 Forest Avenue, Des Moines, Iowa 50314. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133026 (Sub-No. 1 TA), filed October 10, 1969. Applicant: W. T. MARSHALL TRUCKING, INC., Rural Route No. 5, Box 161-D, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newport, Ky., to Champaign, Ill., Decatur, Ill., and Springfield, Ill., for 150 days. Supporting shippers: Van Pickerill & Sons, Inc., Springfield, Ill.; and Van Pickerill-Champaign, Inc., Champaign, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 133112 (Sub-No. 2 TA), filed October 14, 1969. Applicant: VEON TRANSPORTATION COMPANY, Fifth Street Extension, Box 326, Darlington, Pa. 16115. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, from Barberton, Ohio, to points in Pennsylvania under a contract with Ralph A. Veon, Inc., for 180 days. Supporting shipper: Ralph A. Veon, Inc., Darlington, Pa. 16115. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 133655 (Sub-No. 14 TA), filed October 13, 1969. Applicant: TRANSNATIONAL TRUCK, INC., Post Office

Box 894, Hurst, Tex. 76053. Applicant's representative: Harley E. Laughlin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal products, carbon and carbon products, products produced or distributed by manufacturers of the above-described commodities, and advertising material* used in connection therewith, from Jacksonville, Fla., and points in Marion County, Fla., to points in California, Arizona, New Mexico, Colorado, Texas, Oklahoma, Kansas, Arkansas, Louisiana, Georgia, South Carolina, and North Carolina, for 180 days. Supporting shipper: Timberland Products Co., Inc., Post Office Box 1799, 1921 Northwest 17th Place, Ocala, Fla. 32670. 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 133937 (Sub-No. 1 TA), filed October 13, 1969. Applicant: CAROLINA CARTAGE COMPANY, INC., 654 Keith Drive, Greenville, S.C. 29607. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air, between points in Anderson, Greenville, Oconee, Pickens and Spartanburg Counties, S.C., and the Atlanta Municipal Airport, Atlanta, Ga., for 180 days. Supporting shippers: There are approximately (10) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 134088 (Sub-No. 1 TA), filed October 13, 1969. Applicant: FORD L. WRIGHT AND MARIE A. WRIGHT, a partnership, doing business as ALL-AMERICAN MOVING & STORAGE, 3091 Bellbrook Center Drive, Memphis, Tenn. 38116. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of such traffic; between points in Tipton, Shelby, and Fayette Counties, Tenn.; Desoto County, Miss.; and Crittendon County, Ark., for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502; Kingpak, Inc., Post Office Box 18298, Wichita, Kans. 67218. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

By the Commission.

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

[F.R. Doc. 69-12693; Filed, Oct. 22, 1969; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 6]

SOUTH CAROLINA INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $509,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

South Carolina Insurance Company
Columbia, South Carolina
South Carolina

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

Dated: October 20, 1969.

[SEAL] JOHN K. CARLOCK, *Fiscal Assistant Secretary.*

[F.R. Doc. 69-12695; Filed, Oct. 22, 1969; 8:49 a.m.]

[Dept. Circ. 570, 1969 Rev., Supp. No. 5]

AETNA FIRE UNDERWRITERS INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $604,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Aetna Fire Underwriters Insurance Company
Hartford, Connecticut
Connecticut

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

Dated: October 20, 1969.

[SEAL] JOHN K. CARLOCK, *Fiscal Assistant Secretary.*

[F.R. Doc. 69-12696; Filed, Oct. 22, 1969; 8:49 a.m.]

Internal Revenue Service

[Order No. 8 (Rev. 3)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Delegation of Authority To Sign Agreements as to Liability for Personal Holding Company Tax

1. The authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701-9 and 26 CFR 1.547-2 to enter into agreements relating to liability for personal holding company tax, is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate),

(b) Chiefs, Appellate Branch Offices,

(c) Associate Chiefs, Appellate Branch Offices,

(d) Assistant Chiefs, Appellate Branch Offices,

(e) Director of International Operations,

(f) Assistant District Directors, and

(g) Chiefs of District Audit Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; and to Revenue Agents (Reviewers or Conferees) not lower than GS-11.

3. This order supersedes Delegation Order No. 8 (Rev. 2) issued February 28, 1968.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner.*

[F.R. Doc. 69-12697; Filed, Oct. 22, 1969; 8:49 a.m.]

[Order No. 35 (Rev. 4)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Delegation of Authority To Enter Agreements as Determinations

1. Pursuant to the authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701-9 and 26 CFR 1.1313(a)-4, the authority to enter into agreements pursuant to section 1313(a)(4), Internal Revenue Code of 1954, relating to agreements treated as determinations, is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate),

(b) Chiefs, Appellate Branch Offices,

(c) Associate Chiefs, Appellate Branch Offices,

(d) Assistant Chiefs, Appellate Branch Offices,

(e) Director of International Operations,

(f) Assistant District Directors, and

(g) Chiefs of District Audit Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents (Reviewers or Conferees) not lower than GS-11 for field audit cases; and to Revenue Agents (Reviewers or Conferees) and Tax Technicians (Reviewers or Conferees) not lower than GS-9 for office audit cases.

3. This order supersedes Delegation Order No. 35 (Rev. 3) issued February 28, 1968.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner.*

[F.R. Doc. 69-12698; Filed, Oct. 22, 1969; 8:49 a.m.]

[Delegation Order No. 66 (Rev. 3); Chief Counsel's Order No. 1958-11 (Rev. 3)]

REGIONAL APPELLATE DIVISION AND REGIONAL COUNSEL

Authorities in Protested Cases and in Tax Court Cases

Pursuant to the authority vested in the undersigned, it is ordered that:

1. (a) In each case in which a taxpayer does not agree to the determination of liability made by the office of a District Director of Internal Revenue or by the office of the Director of International Operations and requests consideration by the Regional Appellate Division, the Regional Commissioner is authorized exclusively to represent the Commissioner (1) in the determination of liability for income, profits, estate, and gift tax in cases not docketed in the Tax Court of the United States, whether before or after issuance of a statutory notice; and (2) in the determination of liability for the excise and employment taxes designated in paragraph 5 of this order. In each region the Assistant Regional Commissioner (Appellate), as Chief of the Appellate Division of the region, is authorized and each Chief, Appellate Branch Office, and each Associate Chief is authorized to represent the Regional Commissioner in the determination of tax liability in any such case; and each Assistant Chief is authorized to represent the Regional Commissioner in the determination of tax liability in any such case in which the net deficiency or the net overassessment determined by the District Director or by the Director of International Operations does not exceed $100,000 and the determination of the Appellate Division does not involve a net deficiency or net overassessment in excess of $100,000.

(b) The authorities delegated in subparagraph (a) of this paragraph are subject to the exceptions set forth in paragraph 3 of this order and, except as provided in paragraph 4, they may not be redelegated.

2. (a) In each income, profits, estate, and gift tax case docketed in the Tax Court, in conformity with the provisions of Delegation Order No. 60—Chief Counsel's Order No. 1958-5, dated April 17, 1958, the Regional Commissioner is authorized exclusively to represent the Commissioner in the functions delegated to the Regional Appellate Division in that joint order. In each region the Assistant Regional Commissioner (Appellate), as Chief of the Appellate Division of the region, is authorized and each Chief, Appellate Branch Office, and each Associate Chief is authorized to represent the Regional Commissioner in the performance of those functions; and each Assistant Chief is authorized to represent the Regional Commissioner in the performance of those functions in any such case in which the net deficiency or net overassessment determined in the statutory notice does not exceed $100,000 and the basis of disposition does not involve a net deficiency or net overassessment in excess of $100,000.

(b) The authorities delegated in subparagraph (a) of this paragraph are subject to the exceptions set forth in paragraph 3 of this order and they may not be redelegated.

3. The authorities delegated by this order to the Regional Commissioners do not include authority to:

(a) Eliminate the ad valorem fraud penalty in any case in which the penalty has been determined by the district office in connection with a tax year or period, or which is related to or affects such year or period, for which criminal prosecution against the taxpayer (or a related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, except upon the recommendation or concurrence of the Regional Counsel; nor

(b) Act in any case in which a recommendation for criminal prosecution is pending, except with the concurrence of the Regional Counsel.

4. In any case not docketed in the Tax Court in which a statutory notice was issued by the office of a District Director, the Assistant Regional Commissioner (Appellate) may relinquish the jurisdiction of the Appellate Division by waiver to the office of that District Director. Similarly, the Assistant Regional Commissioner (Appellate) for the region which includes Washington, D.C., may relinquish the jurisdiction of the Appellate Division by waiver to the office of the Director of International Operations in any case in which the office of that Director issued the statutory notice. No such waiver shall be made in any case in which criminal prosecution has been recommended and not finally disposed of; nor in any case in which the determination in the statutory notice includes the ad valorem fraud penalty. Notwithstanding any such waiver, upon filing of a petition with the Tax Court, jurisdiction shall revest in the Appellate Division.

5. The excise and employment taxes subject to the provisions of this order include any Federal excise or employment tax:

(a) Under the Internal Revenue Code of 1939, except any tax imposed by:

(1) Chapters 8, 15, 23, 26, or 27A;

(2) Subchapter B of Chapter 25;

(3) Parts V, VI, VII, or VIII of Subchapter A of Chapter 27;

(4) Subchapter B of Chapter 28, insofar as it relates to liquor and tobacco; or

(5) Chapter 9A, insofar as it relates to distilled spirits, wines, cordials, or fermented malt liquors.

(b) Under the Internal Revenue Code of 1954, except any tax imposed by:

(1) Chapter 35 of Subtitle D;

(2) Subchapter A, Chapter 39 of Subtitle D;

(3) Subtitle E; or

(4) Subchapter D, Chapter 78 of Subtitle F, insofar as it relates to liquor and tobacco.

6. (a) In the performance of his functions under this order, each Regional Counsel shall be subject to the general supervision and control of the Chief Counsel. With the approval of the Chief Counsel, Regional Counsel may redelegate any function by this order vested in Regional Counsel.

(b) The Regional Counsel will consider all memoranda prepared in the Regional Appellate Division recommending the issuance of statutory notices, prior to the issuance of such statutory notices by the Regional Appellate Division.

7. The instructions contained in this order are intended to supplement the instructions contained in Delegation Order No. 60—Chief Counsel's Order No. 1958-5, dated April 17, 1958, and supersede other prior instructions to the extent that such other prior instructions are inconsistent herewith.

8. This order supersedes Delegation Order No. 66 (Rev. 2), Chief Counsel's

Order No. 1958–11 (Rev. 2), issued February 19, 1968.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner.*

K. MARTIN WORTHY, *Chief Counsel.*

[F.R. Doc. 69–12699; Filed, Oct. 22, 1969; 8:49 a.m.]

[Order No. 75 (Rev. 4)]

REGIONAL APPELLATE DIVISION

Authority in Offers in Compromise

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–25, dated June 1, 1953, as amended by Order No. 180, dated November 17, 1953, and Order No. 150–36, dated August 17, 1954, 26 CFR 301.7122–1 and 26 CFR 301.7701–9, it is hereby ordered:

1. Each Assistant Regional Commissioner (Appellate), and each Chief and Associate Chief, Appellate Branch Office, is authorized to determine the disposition to be made of any offer in compromise submitted under the provisions of section 7122 of the Internal Revenue Code of 1954, in which (a) the proponent does not agree with the rejection or proposed rejection of the offer in the district office, the Office of International Operations or a Service Center and requests regional Appellate Division consideration or (b) the liability was previously determined by a regional Appellate Division and the offer is based in whole or in part on doubt as to liability. Each Assistant Chief, Appellate Branch Office, is authorized to determine the disposition to be made of any such offer in compromise in which the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is less than $100,000.

2. A determination by regional Appellate Division officials to accept an offer (other than one involving specific penalties only) pursuant to paragraph 1. above will be subject to my approval if the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is $100,000 or more.

3. The authorities delegated herein may not be redelegated and are not applicable to cases arising under tax laws relating to wagering, narcotics, marihuana, alcohol, tobacco, or firearms (other than firearms taxes imposed by sections 4181 and 4182 of the Internal Revenue Code of 1954 and sections 2700 and 3407 of the Internal Revenue Code of 1939) or to offers in compromise coming within the jurisdiction of the Chief Counsel under existing procedures, rules, or delegations.

4. This order supersedes Delegation Order No. 75 (Rev. 3), issued June 27, 1969.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner.*

[F.R. Doc. 69–12700; Filed, Oct. 22, 1969; 8:49 a.m.]

[Order No. 77 (Rev. 3)]

CHIEFS, APPELLATE BRANCH OFFICES, ET AL.

Delegation of Authority To Issue Statutory Notices of Deficiency

1. The authority granted to the Commissioner of Internal Revenue, Assistant Regional Commissioners (Appellate) and District Directors by 26 CFR 301.7701–9, 26 CFR 301.6212–1 and 26 CFR 301.6861–1 to sign, and send to the taxpayer by registered or certified mail any statutory notice or deficiency is hereby delegated to the following officials:

(a) Chiefs, Appellate Branch Offices,

(b) Associate Chiefs, Appellate Branch Offices,

(c) Assistant Chiefs, Appellate Branch Offices,

(d) Director of International Operations,

(e) Assistant District Directors, and

(f) Chiefs of District Audit Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents (Reviewers or Conferees) not lower than GS–11 for field audit cases; and to Revenue Agents (Reviewers or Conferees) and Tax Technicians (Reviewers or Conferees) not lower than GS–9 for office audit cases.

3. This order supersedes Delegation Order No. 77 (Rev. 2) issued February 28, 1968.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner.*

[F.R. Doc. 69–12701; Filed, Oct. 22, 1969; 8:49 a.m.]

[Order No. 93 (Rev. 2)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Consent to a Redetermination of Aggregations by a Taxpayer in the Case of Invalid Basic Aggregations or Invalid Additions

1. The authority vested in the Commissioner of Internal Revenue as prescribed in 26 CFR 1.614–2(d)(5) and 26 CFR 1.614–3(f)(8) is hereby delegated to Assistant Regional Commissioners (Appellate), Chiefs, Appellate Branch Offices, Associate Chiefs, Appellate Branch Offices, Assistant Chiefs, Appellate Branch Offices, District Directors, and Chiefs, District Audit Divisions to:

Consent to the reforming of aggregations by a taxpayer where the taxpayer has formed invalid basic aggregations or made invalid additions to valid or invalid basic aggregations, and

Consent, in the case of oil and gas wells where an invalid aggregation has been formed under section 614(b), to the treatment by a taxpayer of all the properties included in the aggregation, which fall within a single operating unit, under the provisions of section 614(d) rather than section 614(b) of the 1954 Code if so requested by the taxpayer.

2. In the case of oil and gas wells this delegation order shall apply only to taxable years subject to the 1954 Code beginning before January 1, 1964.

3. The authority delegated herein may not be redelegated.

4. This order supersedes Delegation Order No. 93 (Rev. 1), issued August 8, 1967.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner.*

[F.R. Doc. 69–12702; Filed, Oct. 22, 1969; 8:49 a.m.]

[Order No. 97 (Rev. 6)]

ASSISTANT COMMISSIONER (COMPLIANCE) ET AL.

Delegation of Authority Regarding Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121–1(a); Treasury Department Order No. 150–32; dated November 18, 1953; and Treasury Department Order No. 150–36, dated August 17, 1954:

1. The Assistant Commissioner (compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco, and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal

revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

4. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, Associate Chiefs, and Assistant Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction and in cases in which a closing agreement has been recommended for approval by the office of a District Director (but excluding cases docketed before the Tax Court of the United States) to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, Associate Chiefs, and Assistant Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the Tax Court of the United States to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into and approve written agreements with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods, as the competent authority in the administration of the operating provisions of the tax conventions of the United States. He is also authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64–54, C.B. 1964–2, 1008, and under Revenue Procedure 69–13, I.R.B. 1969–14, and to enter into and approve a written agreement providing for such mitigation and relief under Revenue Procedure 65–17, C.B. 1965–1, 833.

7. District Directors of Internal Revenue are hereby authorized in cases under their jurisdiction to enter into and approve a written agreement with any person to provide that the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64–24, C.B. 1964–1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includible in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first.

8. The authority delegated herein does not include the authority to set aside any closing agreement.

9. Authority delegated in this order may not be redelegated.

10. Delegation Order No. 97 (Rev. 5), issued June 25, 1969, is hereby superseded.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69–12703; Filed, Oct. 22, 1969; 8:49 a.m.]

[Order No. 107 (Rev. 1)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Determine That Certain "Savings Institutions" Do Not Intend To Avoid Taxes by Paying Dividends or Interest for Periods Representing More Than 12 Months

1. The authority granted to the Commissioner of Internal Revenue under 26 CFR 1.461–1(e)(3)(ii) to determine that an organization referred to therein does not intend to avoid taxes (and therefore be permitted to deduct one-tenth of the amount of dividends or interest not allowed as a deduction for a taxable year under 26 CFR 1.461–1(e)(1) in each of 10 succeeding taxable years) is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate),

(b) District Directors,

(c) Director of International Operations,

(d) Chiefs, Appellate Branch Offices,

(e) Associate Chiefs, Appellate Branch Offices,

(f) Assistant Chiefs, Appellate Branch Offices,

(g) Assistant District Directors, and

(h) Chiefs of District Audit Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established) and Chief of Conference Staff.

3. This order supersedes Delegation Order No. 107 issued August 15, 1968.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69–12704; Filed, Oct. 22, 1969; 8:50 a.m.]

[Order No. 109 (Rev. 1)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Sign Agreements Determining Inapplicability of Exclusion

1. The authority granted to the Commissioner of Internal Revenue and to District Directors by 26 CFR 301.7701–9 and 26 CFR 1.963–6(c) to sign agreements determining that the exclusion under section 963 of the Internal Revenue Code of 1954 does not apply to United States shareholders for certain taxable periods due to their failure to receive minimum distributions is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate)

(b) District Directors,

(c) Director of International Operations,

(d) Chiefs, Appellate Branch Offices,

(e) Associate Chiefs, Appellate Branch Offices,

(f) Assistant Chiefs, Appellate Branch Offices,

(g) Assistant District Directors,

(h) Assistant Director of International Operations,

(i) Chiefs of District Audit Divisions, and

(j) Chief of Audit Division, Office of International Operations.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established) and Chief of Conference Staff.

3. This order supersedes Delegation Order No. 109 issued February 11, 1969.

Date of issue: October 20, 1969.

Effective date: October 20, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69–12705; Filed, Oct. 22, 1969; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

Description of Central and Field Agencies

Section 3 of the Statement of Organization and Functions, appearing at 32 F.R. 13016–13028, September 13, 1967, is amended by revising paragraph (d), U.S. Army Strategic Communications Command, to read as follows:

SEC. 3. *Major Army Field Commands.* * * *

(d) *U.S. Army Strategic Communications Command*—(1) *Purpose.* This paragraph sets forth the mission and principal functions of the Commanding

General, U.S. Army Strategic Communications Command (CGUSASTRATCOM), and prescribes command and staff relationships with higher and collateral echelons.

(2) *Definitions.* Terms used in this paragraph are defined as follows:

(i) New systems are facilities and equipment which involve new modes of communication or determination of feasibility of proposed conceptual solutions to communications problems which require a research and development effort and research, development, test, and evaluation funds.

(ii) Extension systems are facilities and equipment which concern extensions, modifications, expansions, and additions of existing facilities and systems which are procured with other than research, development, test, and evaluation funds.

(iii) The term "DCS (Army)" means that portion of the Defense Communications System (DCS) for which responsibility has been assigned to the United States Army and further assigned to USASTRATCOM.

(iv) The term "assigned Army communications" means all Army communications, other than those that are portions of the Defense Communications System (DCS), which have been specifically assigned to USASTRATCOM. Army communications includes communications and warning systems for civil defense in the continental United States.

(v) Communications security logistics deals with requirements computation, acquisition, cataloging, stock control, distribution, storage, and disposal of communications security equipment, aids, and design controlled repair parts; accounting for communications security materiel; maintenance engineering; maintenance and supply management and support of communications security equipment; technical assistance; and new equipment introduction and training.

(3) *Mission.* The mission of the CGUSASTRATCOM, a major field commander of the Department of the Army, is to—

(i) Engineer, install, operate, and maintain DCS (Army) and assigned Army communications.

(ii) Within continental United States, engineer, install, operate, and maintain communications systems supporting communcations and warning programs of the Office of Civil Defense, in support of air/missile defense systems when responsibility is assigned to the Army, and other special communications systems as assigned; and as directed by Headquarters, Department of the Army, provide planning, engineering, installation, and technical support services to continental U.S. major commanders having responsibility for Army communications.

(iii) Provide overseas Army component commanders operational planning, engineering, installation, operation, and maintenance for theater Army communications; post, camp and station communications; and assigned Army communications as directed.

(iv) Provide central direction and coordination of leasing of communications for the Army.

(v) Provide management functions and technical direction for telecommunications systems in oversea areas in support of Federal agencies and foreign governments as assigned.

(vi) Provide radio propagation technical services to the Military services and other Government agencies as directed.

(vii) Direct Army combat development activities relating to DCS (Army) communications in continental United States and assigned Army communications as outlined in this paragraph, coordinating as appropriate with the Commanding General, U.S. Army Combat Developments Command. Provide advice and assistance to the Commanding General, U.S. Army Combat Developments Command with respect to his responsibility for combat development activities relating to communications peculiar to the Theater Army Communications Zone.

(viii) Exercise commodity management of communications security materiel consisting of communications security equipment, aids, and design controlled repair parts, except as assigned to the Commanding General, U.S. Army Materiel Command; and provide logistics support to Army component commands or unified commands as assigned.

(ix) Command subordinate commands, installations, and activities as may be assigned by Headquarters, Department of the Army; plan and program for and supervise utilization of resources for accomplishing USASTRATCOM basic and support mission, functions, and responsibilities; budget and fund for financial resources as specified in AR 37–1; provide base operation support and other support to Department of the Army activities which are tenants of or satellited on USASTRATCOM installations or facilities; and satellite USASTRATCOM activities on other facilities for all or a portion of required base operation support when it is more economical.

(4) *Principal functions.* The principal functions of the CGUSASTRATCOM are—

(i) For new DCS (Army) systems, perform systems planning and preliminary engineering that include development of concept and network layout; electronic counter-countermeasures; allocation of channels (traffic engineering); determination of standards of quality and reliability; establishment of installation schedules; development of system materiel requirements; formulation of criteria, standards and practices for design, establishment, engineering, installation, operation and maintenance; and life cycle planning for personnel, training, and logical support requirements.

(ii) For extension DCS (Army) systems, perform systems planning and engineering, and install such system. Perform, in addition to functions cited in subdivision (i) of this subparagraph, functions including but not limited to, transmission engineering, associated site selection, electronic environment surveys, and determination of facility, power, and other construction requirements including those pertaining to site acquisition, equipment, selection, and preparation of technical specifications.

(iii) Serve as the principal point of contact in the field as to status of life cycle actions on approved DCS (Army) and assigned Army communications projects.

(iv) Perform direct and general support maintenance for new and extension DCS (Army) installed communications facilities as required.

(v) Provide communications-electronics services as directed to support Department of the Army and other Federal agencies, forces, or representatives committed in domestic disturbance operations in continental United States.

(vi) Provide DCS extension and restoral communications during contingency and emergency operations, including support of unified and specified commanders when such tasks are assigned to the Army.

(vii) Develop standards and practices for Army-wide leasing of communications equipment, systems, and services; and arrange for all leased communications required to support USASTRATCOM responsibilities.

(viii) Provide area frequency coordinators in support of Department of the Army frequency management responsibilities.

(ix) Engineer and operate radio frequency monitoring facilities to support Department of the Army frequency management activities as assigned; and conduct field spectrum measurements and radio frequency interference, radio frequency hazard, and radio propagation path surveys.

(x) Provide audiovisual support as assigned.

(xi) Provide Headquarters, Department of the Army with qualitative and quantitative personnel requirements information.

(xii) In coordination with the Commanding General, U.S. Continental Army Command, program, fund for, and allocate fixed-plant communication equipment, training aids and devices, special tools, and test, measuring, and diagnostic equipment required by Commanding General, U.S. Continental Army Command for establishment of operator and maintenance training courses at designated schools; and provide U.S. Continental Army Command with programed training requirements to support new and extension systems.

(xiii) Provide detailed system design engineering and installation for all fixed telecommunications Class IV development projects as provided for in AR 105–22.

(xiv) Provide engineering and installation services to foreign governments as directed.

(xv) Provide management functions and technical direction for telecommunications systems in support of the Military Assistance Program and the

Agency for International Development as directed.

(xvi) Provide support to the DA Command Control System.

(xvii) Provide technical support to the Office of Civil Defense communications and warning programs.

(xviii) Furnish contracting officer's representatives for contracts for procurement of new systems, operation and maintenance of extension systems, training on new systems, nonpersonal services, and USASTRATCOM peculiar materiel utilized in DCS (Army) and assigned Army communications. Administer contracts overseas for communications-electronics equipment and systems.

(xix) Perform on-site user test and evaluation to insure compliance with Defense Communications Agency (engineering and installations) standards prior to final acceptance of communications equipment and systems utilized for DCS (Army) purposes.

(xx) Formulate and recommend to Commanding General, U.S. Army Combat Developments Command materiel objectives and requirements in assigned areas of responsibility and participate in other combat development activities relating thereto.

(xxi) Assist and make recommendations to Commanding General, U.S. Army Combat Developments Command in development of doctrine and related Basis of Issue plans, Tables of Organization and Equipment, Tables of Distribution and Allowance, and other authorization documents pertaining to assigned communications responsibilities; and provide recommendations on materiel developments of communications systems to support the Army in the field.

(xxii) Conduct user test and evaluation of commercial communications equipment to determine suitability for use in DCS (Army) communications and assigned Army communications.

(xxiii) Initiate type-classification and reclassification actions on communications equipment used in USASTRATCOM fixed and mobile installations in accordance with AR 700–20.

(xxiv) Perform using service functions relating to design and construction of facilities for extension systems.

(xxv) Coordinate with the Commanding General, U.S. Army Materiel Command for acquisition of materiel assets for new and extension DCS (Army) and assigned Army communications, and Continental United States and other special communications systems assigned to USASTRATCOM.

(xxvi) Manage and control materiel and facility resources acquired solely to support DCS (Army) communications and assigned Army communications to include control of issue of assets and determination of priorities for distribution once this materiel has been released to USASTRATCOM control.

(xxvii) Develop detailed annual and midrange equipment and systems procurement lists for DCS (Army) and assigned Army communications in accordance with appropriate portions of the Army Materiel Plan and within authorized reprograming authority.

(xxviii) Provide disposition instructions for property excess to new systems and extension systems.

(xxix) Perform the following functions as Army Commodity Manager for communications security material:

(*a*) Provide technical guidance and assistance to the Army on communications security logistics matters and assist in development and review of concepts and studies which concern the functions of communications security logistics in the Army in the field.

(*b*) Operate the communications security National Inventory Control Point with responsibility for cataloging direction, requirements computation, procurement direction, supply and distribution management, overhaul direction, and disposal direction.

(*c*) Operate the communications security National Maintenance Point with responsibility for maintenance engineering, management and support planning, maintenance publications, provisioning, new equipment training, technical assistance, and product improvement.

(*d*) Operate the Army communications security depot as part of the communications security materiel wholesale supply and maintenance system.

(*e*) Operate the Army Central Office of Record for positive and continuous accounting of all accountable communications security materiel within the Army.

(*f*) Manage the communications security materiel portion of The Army Equipment Records System program and maintain a Central Data Bank.

(*g*) Prepare communications security logistics and maintenance support plans as directed.

(*h*) Prepare PEMA programs for communications security materiel and communications security material portion of the Army Materiel Plan.

(*i*) Prepare the communications security logistics annex to U.S. Army Materiel Command Contingency Support Plans.

(*j*) Provide technical review comments on Basis of Issue plans, Tables of Organization and Equipment, Tables of Distribution and Allowance, Modification Tables of Organization and Equipment, Modification Tables of Distribution and Allowances, Army Communications Development Projects, and other authorization documents involving communications security materiel.

(*k*) Coordinate with appropriate U.S. Army Materiel Command Project Managers and Commodity Managers to insure compatibility of life cycle management milestones related to communications and associated communications security equipment.

(*l*) Direct distribution of communications security materiel in accordance with distribution plans, established priorities and, where applicable, decisions of the Department of the Army Distribution and Allocation Committee.

(*m*) Provide supply and maintenance technical assistance support of communications security equipment.

(*n*) Provide design-controlled repair parts in support of military assistance sales and grant aid programs.

(*o*) Monitor and evaluate the status of communications security materiel readiness within the Army. Conduct materiel readiness visits to major commands and units.

(*p*) Participate in preparation and review of qualitative materiel requirements and small development requirements involving communications security materiel for inclusion of optimum maintainability and reliability factors.

(*q*) Coordinate with the U.S. Army Combat Developments Command and the U.S. Army Materiel Command on test planning and assist the U.S. Army Materiel Command as required in test and evaluation of tactical communications security equipment; and perform onsite test and evaluation of communications security equipment used in DCS (Army) and assigned Army communications systems as directed.

(*r*) Monitor research and development of communications security equipment for long-range budgeting, programing, and maintenance support planning.

(*s*) Initiate communications security equipment-type classification and reclassification actions in accordance with AR 700–20.

(*t*) Participate in review of existing military occupation specialties and development of new military occupation specialties pertaining to maintenance of equipment and communications security accounting.

(*u*) Coordinate with U.S. Army Materiel Command to provide guidance and technical direction in the execution of the communications security calibration program; and prepare and publish Department of the Army calibration standards and procedures for test, measuring, and diagnostic equipment peculiar to support of communications security equipment.

(5) *Command and staff relationships.* The CGUSASTRATCOM is under the supervision of the Chief of Staff, U.S. Army. Directives, authorities, policy planning and programing guidance, approved programs, and resource allocations are issued to CGUSASTRATCOM by the Chief of Staff, U.S. Army.

(6) *Other relationships.* (i) The US ASTRATCOM and other major Army commands are coordinate elements of the Department of the Army. The CGUS ASTRATCOM is authorized to communicate directly with other Army commanders with respect to matters of mutual interest.

(ii) In overseas areas one overall support agreement will cover USASTRAT COM/component relationships in each theater. Local level agreements will not be required except under special conditions.

(iii) The CGUSTRATCOM—

(*a*) Is the principal point of contact within the Army for dealing with the Director, Defense Communications

Agency, on communications operational matters and related matters as directed.

(b) Will provide U.S. Army Materiel Command timely information for assigned functional support of U.S. Army Materiel Command on a priority basis as required for life cycle management of materiel.

(c) Will coordinate with U.S. Army Materiel Command, as provided in AR 10–11, on acquisition of materiel assets for communications systems that are the responsibility of USASTRATCOM.

(d) Will coordinate with U.S. Army Combat Developments Command with regard to developing materiel objectives and qualitative requirements for new systems having dual applicability to both tactical and fixed-plant situations.

(e) Will provide necessary interface between the DCS, Theater Army Communications System, and Theater Army major tactical maneuver force(s) as required.

(f) When operating in the area of oversea unified commands, will be responsible for provision of appropriate assistance to the Army component commands in preparation, coordination, and execution of communications aspects of Theater War and Contingency Plans. The USASTRATCOM theater organization is commanded by CGUSASTRATCOM through USASTRATCOM channels. To assure full responsiveness to theater requirements as expressed through the Army component commander, the USASTRATCOM theater organization will be under the operational control of the Army component commander. The USASTRATCOM theater organization will include all Army Signal troops above field Army/field force or the largest tactical maneuver force, except air defense supply and maintenance signal units; will include post, camp, and station communications; and may include communications security logistics units when assigned. The senior USASTRATCOM commander will serve concurrently as the Deputy or Assistant Chief of Staff, Communications-Electronics, on the Army component commander's staff (dual status). This arrangement may be extended below component level by mutual agreement of commanders concerned; in such cases efficiency report rating will be done in component channels and indorsing in USASTRATCOM channels.

(g) Will exercise sufficient technical control over the USASTRATCOM theater organization to insure adherence to established standards and procedures and to insure responsiveness to global requirements of the Chief of Staff, U.S. Army, and to operational direction and management of the Defense Communications Agency.

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch Management Division, TAGO.

[F.R. Doc. 69–12682; Filed, Oct. 22, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 13997]

MONTANA

Notice of Proposed Withdrawal of Mineral Interest

OCTOBER 16, 1969.

The Bureau of Sport Fisheries and Wildlife of the Fish and Wildlife Service filed an application, serial number Montana 13997 for the withdrawal of minerals in lands described below from prospecting, location, and entry under the mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The lands have been acquired by the United States under the authority of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), as amended, as part of the UL Bend National Wildlife Refuge. The United States retained the mineral interests in these lands when they were originally patented. This proposed withdrawal will prevent the exercise of the mining laws which otherwise might jeopardize an area to be intensively developed with public funds for migratory waterfowl.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

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

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife.

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

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

PRINCIPAL MERIDIAN, MONTANA

T. 21 N., R. 29 E.,
Sec. 6, lots 5, 6, and 7, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼.
T. 21 N., R. 30 E.,
Sec. 6, lots 1, 2, 3, 4, 5, and 6, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 9, SE¼NE¼, N½S½, S½SW¼, and SW¼SE¼;
Sec. 18, Lots 1 and 2;
Sec. 21, W½W½, SE¼NW¼, and NE¼SW¼;
Sec. 28, W½NW¼;
Sec. 33, E½ and E½SW¼.
T. 22 N., R. 30 E.,
Sec. 14, NW¼NE¼, E½W½, W½SE¼, and SW¼SW¼;
Sec. 15, SE¼SE¼;
Sec. 22, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 23, W½W½, and SE¼SW¼;
Sec. 26, SW¼NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 35, N½NE¼.

The above described lands aggregate 3,387.77 acres in Phillips County, Mont.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69–12637; Filed, Oct. 22, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. B–474]

WILLIAM S. BAKER

Notice of Loan Application

OCTOBER 17, 1969.

William S. Baker, 393 Newtonville Avenue, Newtonville, Mass. 02160, applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 79.5-foot registered length wood vessel to engage in the fishery for flounder, groundfish, lobster, and scallops.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69–12641; Filed, Oct. 22, 1969; 8:46 a.m.]

Office of the Secretary

RIO GRANDE NATIONAL WILD AND SCENIC RIVER, NEW MEXICO

Notice of Boundaries, Classification and Development Plans

OCTOBER 1, 1969.

The following is the plan for development, operation, and management of that segment of the Rio Grande River to be administered by the Secretary of the Interior through the Bureau of Land Management as stated in section 3(a)(4), Public Law 90-542.

The segment, 52.75 miles in length, extends from the Colorado State line downstream to the New Mexico State Highway 96 crossing and includes the lower 4 miles of the Red River. The plan, as required in section 3(b), Public Law 90-542, includes detailed boundaries, classification of the segment by river classes, and plans for the development and administration of the segment in accordance with the river classification.

The lands administered by the Forest Service, which comprise approximately 8.6 miles of the river frontage, are included in the plan. The Forest Service will retain administrative responsibilities on its lands and will manage those lands in accordance with the plan.

The plan with supplemental information is available for public review in the following Bureau of Land Management offices:

Bureau of Land Management, Division of Recreation, Interior Building, Washington, D.C. 20240.

Bureau of Land Management, New Mexico State Office, Post Office and Federal Building, Santa Fe, N. Mex. 87501.

Bureau of Land Management, Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

The boundaries, classifications, and development plans here published shall take effect in accordance with section 3(b) of the Act of October 2, 1968.

HARRISON LOESCH,
Assistant Secretary,
Public Land Management.

THE PLAN FOR DEVELOPMENT, OPERATION, AND MANAGEMENT OF THE RIO GRANDE NATIONAL WILD AND SCENIC RIVER

Summary. On October 2, 1968, Public Law 90-542 was enacted to provide for a National Wild and Scenic Rivers System and for other purposes.

It is declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

The purpose of this Act is to implement this policy by instituting a National Wild and Scenic Rivers System, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system.

A wild, scenic, or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic, or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the National Wild and Scenic Rivers System, and, if included, shall be classified, designated, and administered as one of the following:

Wild River Area: Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic River Area: Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped but accessible in places by roads.

Recreational River Area: Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

The agency charged with the administration of each component of the National Wild and Scenic Rivers System shall, within 1 year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than 320 acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b) of this Act, best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall not become effective until 90 days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

Purpose of the Proposed Plan. The purpose of the plan is to formulate the policy of the Department of the Interior as it pertains to the Rio Grande River and the Red River portions of the National Wild and Scenic Rivers System and to present a plan of administration for that segment of the river in accordance with provisions of Public Law 90-542.

Objectives of the Proposed Plan. * * * To identify and describe the boundaries of the Rio Grande and Red River portions of the National Wild and Scenic Rivers System. Included will be those areas which possess remarkable scenic, recreational, geologic, fish, and wildlife, historic or other values which should be preserved and protected for the benefit and enjoyment of present and future generations.

* * * To classify and formally designate those portions of the Rio Grande River and the Red River included within the prescribed boundaries of the National Wild and Scenic Rivers System as either, (1) Wild River Area, (2) Scenic River Area, (3) Recreational River Area.

* * * To identify developments needed to administer the river in accordance with such classification.

* * * To insure that each component of the Rio Grand and Red River is administered in such manner as to protect and enhance the values which caused these rivers to be included within the system.

Physical Characteristics and Land Ownership. Four miles north of the Colorado-New Mexico boundary, the Rio Grande enters a deep gorge bisecting the lava-capped basin. This entrenchment continues southward 70 miles before entering the Velarde valley near the village of Embudo. The Wild River Area encompasses only that portion between the State line and the Taos Junction bridge, about 50 river miles. Total drainage area is 7,000 square miles.

The Rio Grande trough was formed by complex geologic processes involving uplift, faulting, and a series of overlapping andesite-basalt lava flows. Ute Mountain and Cerro de la Olla, which extend above these lava flows to elevations of 10,120 and 9,450 feet are striking examples of extinct volcanoes.

The Red River rises on the western slopes of the Sangre de Cristo Mountains and contributes the only appreciable flow of surface water to the Rio Grande within the Wild River Area. The confluence of the Red River with the Rio Grande occurs 18 miles northwest of Taos. Since the lower 4-mile portion of Red River is deeply entrenched and has characteristics similar to those found in the Rio Grande trench, it was included within the Wild River Area.

Width and depth of the Rio Grande canyon are relatively uniform, being slightly shallower to the north. The widest and deepest portion is near the Rio Grande-Red River confluence.

Average gradient of the Rio Grande within the Wild River Area is 22 feet per mile. Total fall between the Colorado-New Mexico State line and Taos Junction bridge is about 1,500 feet. Gradients range from 12 feet per mile to 150 feet per mile. Maximum drop in the canyon lies between the junctions of the Red River and a point 12 miles upstream near the mouth of Latir Creek. This 12-mile section has a total fall of 650 feet. It is on this stretch that the Arsenic Spring flows enter to create a magnificent fishery.

Riverbed and riverbed materials are identical—predominantly basalt and other volcanic rocks. Jumbled masses of large angular boulders and block lava are common. Except for short passages, hiking along the riverbank is difficult. Numerous large, water polished boulders and deep potholes in the riverbed restrict wading. These boulders are extremely hazardous to waders.

Land Ownership. In the upper Rio Grande, there is a complex pattern of land ownership. This pattern bears importantly upon the classification, boundaries, development, and management of the Wild Rivers Area.

The general categories of ownership are: Federal, State, private, and Indian.

The Federal lands consist of public domain and National Forest. The public domain lands are administered by the Albuquerque district of the Bureau of Land Management. The National Forest lands are a part of the Carson National Forest. The Indian lands are administered by the Taos Tribal Council and the Bureau of Indian Affairs.

In the general category of private lands, there are patented lands originating from the public domain; patented lands originating from Royal Spanish land grants; and patented lands originating from Mexican grants. Three such grants are on the east bank of the Rio Grande and are within the boundaries of the Wild River Area. They are:

The Sangre de Cristo Grant—granted on December 30, 1843, by Manuel Armijo, Territorial Governor, to Luis Lee and Narciso Beaubien. Original area consisted of 228,636 acres in Taos County and 998,780 in Costilla County, Colo. Patent issued by the United States to family and heirs on December 20, 1880.

Antonio Martinez de Godoi Grant—granted on October 26, 1716, by Feliz Martinez, Governor and Capitan General of the Royal Province of New Mexico, to Francisco Martinez. Original area consisted of 61,605 acres in Taos County. Patent issued by the United States to heirs on May 8, 1896.

Anton Leroux Grant (Los Luceros Grant)—granted on August 12, 1742, by Gaspar Domingo de Mendoza, Governor of the Royal Province of New Mexico, to Pedro V. de Santillana. Original area consisted of 56,428 acres in Taos County. Patent issued by the United States to heirs on August 1, 1911. These land grants are unsurveyed (except for exterior boundary lines).

There are two types of State land in the area. One type is administered by the Commissioner of Public Lands. In this category are scattered sections of in-place "school land" and other parcels containing several square miles of State land acquired through lieu selections and exchanges. These lands are subject to State lease for specific uses such as grazing, public hunting and fishing, oil and gas production or exploration.

The second type of State lands are those patented to other departments or commissions of the State government. These lands are in T. 28 N., R. 12 E. (Red River Hatchery), patented to the New Mexico Department of Game and Fish; and in T. 24 N., R. 11 E., patented under the Recreation and Public Purposes Act to the New Mexico State Park and Recreation Commission.

Proposed Classifications of the Rio Grande Wild River Area. Classification of 98 percent of the Rio Grande and Red River segments as Wild River Area is consistent with criteria set forth in section 2(b) of the National Wild and Scenic Rivers Act. These river segments—within the established boundaries as set forth in the Act—are free of impoundments and generally inaccessible except by foot trail, with shorelines essentially primitive and waters unpolluted. The remainder is classified as recreational river because it is easily accessible by automobile.

The following describes the proposed boundaries by legal subdivision, aggregating 16,880 acres, as follows:

Wild river	15,622
Recreational river	1,258
Total	16,880

Proposed Wild River Classification. (All lands except Carson National Forest.)

T. 32 N., R. 11 E.,
Sec. 24, lots 5 and 10;
Sec. 25, lots 5, 6, 7, and 8;
Sec. 36, lots 5, 6, 7, 8, 9, and NE¼SW¼;

420 acres in the Sangre de Cristo Grant meandering east boundary of the Rio Grande.

T. 31 N., R. 11 E.,
Sec. 1, lots 4, 5, and 6;
Sec. 2, lots 7, 8, and 9;
Sec. 11, lots 2, 3, 4, 5, 6, 7, and 8;
Sec. 14, E½;
Sec. 23, E½E½ and NW¼NE¼;
Sec. 24, W½W½;
Sec. 25, S½SW¼NE¼, NW¼NW¼, S½NW¼, N½NW¼SW¼, NE¼SW¼, N½SE¼, and N½S½SE¼;
Sec. 26, E½E½NE¼;

250 acres of the Sangre de Cristo Grant meandering the east boundary of the Rio Grande.

T. 31 N., R. 12 E.,
Sec. 30, lot 4 and SE¼SW¼;
Sec. 31, lots 1, 3, 4, E½W½, W½SW¼NE¼, and W½NW¼SE¼.
T. 30 N., R. 12 E.,
Sec. 6, lots 3, 4, 5, 6, SE¼NW¼, and E½SW¼;
Sec. 7, W½W½NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 17, W½W½;
Sec. 18, E½E½ and E½NW¼NE¼;
Sec. 19, E½E½;
Sec. 20, W½W½;
Sec. 29, SW¼NW¼, N½SW¼, SE¼SW¼, and W½W½SE¼;
Sec. 30, NE¼ and NE¼SE¼;
Sec. 32, W½W½NE¼, E½NW¼, E½SW¼NW¼, E½W½SW¼, E½SW¼, and W½W½SE¼.
T. 29 N., R. 12 E.,
Sec. 4, SW¼SW¼;
Sec. 5, lots 2, 3, SW¼NE¼, SE¼NW¼, E½NE¼SW¼, and SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, lots 3, 4, 5, 6, N½NW¼, and SW¼;
Sec. 16, lot 2 and one tract of unsurveyed land in the NW¼ containing 69.92 acres;
Sec. 17, lots 3, 4, 6, 7, 9, 10, and one tract of unsurveyed land in the E½ containing 98.54 acres;
Sec. 20, lots 1, 2, 3, 4, 6, 7, E½W½, SW¼SW¼, and one tract of unsurveyed land in the NE¼ containing 16.38 acres;
Sec. 29, N½NW¼, N½S½NW¼, S½SW¼NW¼, SW¼SE¼NW¼, W½NE¼SW¼, and W½SW¼;
Sec. 30, E½SE¼;
Sec. 31, E½NE¼, E½NW¼NE¼, SW¼NE¼, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 32, W½NW¼NW¼.

T. 28 N., R. 12 E.,
Sec. 5, S½SW¼;
Sec. 6, lots 2, 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼SW¼, and SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, W½W½NE¼, E½NW¼, NW¼NW¼, E½SW¼NW¼, E½SW¼, E½W½SW¼, and W½W½SE¼;
Sec. 9, NE¼NE¼, E½SW¼NE¼, SE¼NE¼SW¼, E½SE¼SW¼, W½NW¼SE¼, and NE¼NW¼SE¼;
Sec. 10, SW¼SW¼NW¼ and NW¼NW¼SW¼;
Sec. 16, NE¼NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 17, W½W½NE¼, E½NW¼, E½W½NW¼, W½SW¼NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 18, E½E½SE¼;
Sec. 19, E½E½ and E½W½E½;
Sec. 20, N½NW¼;
Sec. 29, portion west of river;
Sec. 30, E½NE¼, E½W½NE¼, NE¼SE¼, and E½W½SE¼;
Sec. 31, W½E½NE¼, E½W½NE¼, E½SE¼, and E½NW¼SE¼;
Sec. 32, portion west of river;

Plus all other undescribed land meandering the west boundary of the Rio Grande.

T. 27 N., R. 12 E.,
Sec. 5, W½W½;
Sec. 7, E½E½ and W½SE¼;
Sec. 8, NW¼NW¼;
Sec. 17, W½NW¼;
Sec. 18, E½ and E½SW¼;
Sec. 19, W½E½ and E½W½;
Sec. 30, NW¼NE¼ and NE¼NW¼;

Plus all other undescribed land meandering the west boundary of the Rio Grande.

T. 26 N., R. 11 E.,
Sec. 1, lots 1, 2, 5, 6, 7, SE¼NW¼, NE¼SW¼, and SW¼SW¼;
Sec. 12, lots 1, 2, 3, and 4;
Sec. 13, lots 1 and 2;
Sec. 14, lots 1, 2, SE¼NE¼, and W½SE¼;
Sec. 23, lots 1, 2, 3, 4, and W½E½;
Sec. 24, lot 1;
Sec. 25, lots 5, 6, 7, and 8;
Sec. 26, E½E½;
Sec. 35, lots 1, 2, and E½SE¼;
Sec. 36, lots 5, 6, 7, and 8;

430 acres of the Anton Leroux Grant meandering the east boundary of the Rio Grande.

T. 25 N., R. 11 E.
Sec. 1, lots 1, 2, 3, 4, 7, and 8;
Sec. 12, lots 1, 2, 5, 6, 7, and 8;
Sec. 13, lots 1, 2, 3, and 4;
Sec. 23, E½SE¼;
Sec. 24, lots 1, 2, 3, 4, and W½NW¼;
Sec. 25, lots 1, 2, 3, and 4;
Sec. 26, E½NE¼.

Proposed Recreational River Classification. (All lands except Carson National Forest.)

T. 27 N., R. 12 E.,
Sec. 30, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 31, lots 1, 2, 3, 4, and N½NW¼;

130 acres of the Anton Leroux Grant meandering the east boundary of the Rio Grande.

T. 27 N., R. 11 E.,
Sec. 36, lots 5, 6, and 7.
T. 25 N., R. 11 E.,
Sec. 35, lots 1, 2, 3, N½NE¼, SW¼NE¼, and N½SE¼;
Sec. 36, lots 1 and 2.
T. 24 N., R. 11 E.,
Sec. 2, lots 1, 2, 5, 6, 7, SW¼NE¼, and W½SE¼.

Carson National Forest. Beginning at a point in the center of the Rio Grande on the section line between secs. 7 and

18, T. 27 N., R. 12 E., New Mexico Principal Meridian; thence east along the section line 0.16 mile to the east rim of the Rio Grande canyon; thence northeasterly along the rim of the Rio Grande canyon through the center of sec. 8, T. 27 N., R. 12 E., a distance of approximately 0.68 mile; thence northerly approximately 0.50 mile to a point 0.07 mile east of the quarter corner between secs. 5 and 8, T. 27 N., R. 12 E.,; thence northerly through sec. 5, 1.04 miles to a point on the section line between sec. 5, T. 27 N., R. 12 E., and sec. 32, T. 28 N., R. 12 E., 0.28 mile west of the section corner common to secs. 4 and 5, T. 27 N., R. 12 E., and secs. 32 and 33, T. 28 N., R. 12 E.

Thence northeasterly approximately 0.28 mile to the northerly rim of Garrapata canyon; thence southwesterly to the rim of the Rio Grande; thence northerly along the rim of the Rio Grande crossing the section line between secs. 32 and 29 at a point 0.27 mile east of the section corner common to secs. 29, 30, 31, and 32, T. 28 N., R. 12 E.; thence northerly along the rim of the Rio Grande canyon 1.03 miles to a point on the section line between secs. 20 and 29, T. 28 N., R. 12 E., 0.30 mile east of the section corner common to secs. 19, 20, 29, and 30, T. 28 N., R. 12 E.; thence northeasterly along the rim of the Rio Grande canyon approximately 0.57 mile to a point due east of the confluence of the Rio Grande and Red River; thence northeasterly 0.76 mile to the section corner common to secs. 16, 17, 20, and 21, T. 28 N., R. 12 E.

Thence northeasterly 1.33 miles along the rim of the Red River canyon to the east 1/16 corner of the section line between secs. 9 and 16, T. 28 N., R. 12 E.; thence northeasterly along the rim of the Red River canyon 0.95 mile to a point on the section line common to secs. 9 and 10, T. 28 N., R. 12 E., 0.35 mile south of the section corner common to secs. 3, 4, 9, and 10, T. 28 N., R. 12 E.; thence easterly along the rim of the Red River canyon and southeasterly along the rim of Lama canyon for approximately 0.38 mile; thence northeasterly approximately 0.38 mile to a point where the section line common to secs. 3 and 10, T. 28 N., R. 12 E., crosses Lama canyon, which is approximately at the quarter corner of the section line between secs. 3 and 10; thence east along the section line between secs. 3 and 10, T. 28 N., R. 12 E., approximately 0.25 mile; thence northwesterly 0.11 mile to the center of the Red River.

Thence 3.79 miles southwest down the center of Red River to the confluence with the Rio Grande; thence southerly down the center of the Rio Grande 4.81 miles to the point of beginning.

Management objectives. Preservation of a wild river area creates certain conflicts as to immediate vs. long-term pressures for noncompatible resource uses. The Bureau of Land Management proposes to allow multiple wild river area uses provided neither their short-range nor long-range impacts lessen the esthetic and scenic values for which the river was designated "wild." The need is great to guard the wild river character of the area against nibbling encroachment, however well-meaning.

A second objective will be correlation among agencies, both State and Federal, to insure that each wild river component is administered to serve the same end—preservation and enhancement of the wild river values.

The Bureau will exclude, except under certain prescribed conditions and for certain restricted purposes (as set forth in the proposed plan, Part II), the use of motorized equipment and aircraft within the boundaries of the Wild River Area.

The Bureau will provide recreation development and opportunities to the extent needed to meet expected reasonable demands so long as such development does not impair wild river qualities. Facilities so provided will be of first quality, but limited to simple campgrounds, picnic areas, and supporting facilities. Extensive development, if any, should be outside the wild river boundaries.

This area is considered a special management zone within the multiple-use plan for the Questa Ranger District, Carson National Forest. It will be managed to preserve the rivers in their natural, primitive condition. All public use of the area and the resources it contains will be regulated and managed to this end.

Existing Recreation facilities. Facilities, trails, and roads that exist west of Cerro on the Rio Grande near Questa were constructed by the Bureau of Land Management under the Accelerated Public Works Act of 1962 (Public Law 87-658). Approximately $310,000 was spent constructing roads, trails, and facilities along the rim and in this area of the Rio Grande gorge by a work force of 120 employees secured through the State Employment Office at Taos.

The present recreation area includes 47 family units, each consisting of a shelter, table, and fireplace; 27 toilets; 11 miles of foot trails; 4 miles of nature trails; 15 miles of access roads; five spring improvements; several foot bridges; and playground equipment. Rock masonry was used throughout the areas for tables, fireplaces, and trail barriers. The trail system was built essentially by hand. Parts for river bank metal shelters and sand and cement were carried to the bottom of the gorge by the workers and by horses.

On September 10, 1965, the 650-foot high Rio Grande gorge bridge was completed, connecting State Road 3 at Taos with U.S. Highway 285 at Tres Piedras. Some day the bridge is expected to become part of a re-routed U.S. Highway 64 crossing northern New Mexico. The New Mexico State Highway Department built eight excellent public picnic units at the west end of the bridge. They consist of native stone shelters, toilets, trailer waste dump vault, and area lighting. A 720-foot well was drilled and equipped with electric pump and water distribution system. Total development cost to date exceeds $86,000.

In addition, limited private accommodations have been available seasonally, principally at Cedar Springs and ranches scattered along the river. Private recreation facilities are now a significant resource.

Development problems. An overall problem is to develop the river's potential for recreation, and to do it in the midst of extensive existing other land use, ownership, jurisdictional, and physical complexities. The task is to expand recreation as a use, and to keep it compatible with other uses.

Several ideas for recreation development along the river are set forth in the succeeding paragraphs. They stress a need for varying kinds of facilities and activities and for preservation of the river's wild character.

In general, as a prerequisite, scenic and access roads should be built along the rims of the Rio Grande and Red River gorges. About 15 miles of new and upgraded access road are needed to provide a loop from Cerro to the developed camping and picnicking areas along this stretch of canyon rim and thence to the all-weather highway at Questa.

Also needed is a scenic drive of about 9 miles along the west rim several miles to the south to connect the Rio Grande gorge bridge with the Taos Junction bridge. The road system would be the most expensive proposed development and would tie together almost all developments proposed herein.

The Bureau of Land Management proposes also to build 66 camping and picnicking units, drill two wells and equip them with water distribution systems; two visitor interpretive centers; overlooks, and 8 miles of foot trails along the Rio Grande and Red River canyons to supplement existing trails.

The Forest Service proposes to construct 40 camping and picnicking units, 16 miles of new foot trail, and reconstruction of 3 miles of existing trail, plus realignment of 6 miles of access roads.

The New Mexico State Park and Recreation Commission proposes to develop 20 camping/picnicking units, water system, sanitary facilities, and playgrounds adjacent to the southern boundary of the Wild River Area.

The Taos Pueblo Indians have discussed the Wild and Scenic Rivers Act and have indicated an interest in further discussion of the provisions of the Act. After the Taos Pueblo governing body has discussed the Act more thoroughly, they may feel it is to public and Tribal advantage to administer certain portions of Taos Pueblo Indian land in accordance with aims of the Wild and Scenic Rivers Act.

Minimum staffing needs. The BLM portion of the Wild River Area will be operated and maintained by a competent staff under the direction and supervision of the Albuquerque District Manager. The staff should include at least three supervisors and sufficient maintenance and cleanup men. In the 50-mile long area, most of these persons must be mobile, regularly patrolling the developed sites. The following are estimates

of minimum BLM costs for annual operation and maintenance, equipment, and development.

Annual Recurring Costs	$55,000
Operation and Maintenance (Including salaries and related expense for three permanent recreation specialists and 68 man months of seasonal laborers, supplies and vehicle expense).	
Equipment (one-time cost)	$13,500
(Including radio, wheel-type tractor and minimum office equipment.)	
Headquarters building storage and yards	$60,000

The management and administration of this area by the U.S. Forest Service will not necessitate any increase in the present staffing of the Questa Ranger District. There will, however, be a need for additional financing to extend employment periods to cover the area's increased workload because of operation and maintenance of existing and expanded facilities.

Personnel:	
3 man months permanent, 8 man months temporary	$5,000
Maintenance, supplies, materials	3,500
Estimated annual recurrent cost	8,500

PROSPECTIVE EXPENDITURES

BUREAU OF LAND MANAGEMENT

Recreation development	$500,000
(Including $5,000 for signs.)	
Road construction	1,310,000
(Including 14 miles of new construction realignment and paving of 11 miles of existing road.)	
Range improvements	14,000
Land acquisition	60,000
(1,425 acres in six separate parcels.)	

U.S. FOREST SERVICE

Recreation development	191,500
(Including $5,500 for signs.)	
Road construction	210,000

Taos Tribe of Indians—Data not yet available.

[F.R. Doc. 69-12601; Filed, Oct. 22, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

HOPE LIVESTOCK COMMISSION CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, and location of stockyard, and date of posting

ARKANSAS

Hope Livestock Commission, Hope, Oct. 6, 1969.

CALIFORNIA

Beaumont Horse Market, Beaumont, Oct. 6, 1969.

KANSAS

Belleville Livestock Comm. Co., Inc., Belleville, Oct. 1, 1969.

MISSOURI

Interstate Producers Livestock Association, Marshall, Oct. 3, 1969.

UTAH

Beehive Horse Sale Corporation, Salt Lake City, Oct. 8, 1969.

Done at Washington, D.C., this 17th day of October 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-12694; Filed, Oct. 22, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

CERTAIN CASES

Reopening After Decision, Board of Appeals

Effective with the date of this notice the Commissioner of Patents will, on a trial basis, entertain petitions under § 1.198 of Title 37, Code of Federal Regulations (Patent Office Rule 198), to reopen certain cases in which an applicant has sought review under 35 U.S.C. 141 or 145. This procedure is restricted to cases which have been decided by the Board of Appeals and which are amendable to settlement without the need for going forward with the court proceeding. Such petitions will ordinarily be granted only in the following categories of cases:

1. When the decision of the Board of Appeals asserts that the rejection of the claims is proper because the claims do not include a disclosed limitation or because they suffer from some other curable defect, and the decision reasonably is suggestive that claims including the limitation or devoid of the defect will be allowable;

2. When the decision of the Board of Appeals asserts that the rejection of the claims is proper because the record does not include evidence of a specified character, and is reasonably suggestive that if such evidence were presented, the appealed claims would be allowable, and it is demonstrated that such evidence presently exists and can be offered; or

3. When the decision of the Board of Appeals is based on a practice, rule, law, or judicial precedent which, since the Board's decision, has been rescinded, repealed, or overruled.

Any such petition must be accompanied by the proposed amendment, evidence, or argument said to justify allowance of the claims. The petition further must point out how the case falls within one of the preceding categories. Failure to do so or failure of the case to qualify as coming within one of the categories will usually constitute basis for denying the petition. In any event, no case will be reopened unless it is for the consideration of matters not already adjudicated, and sufficient cause has been shown.

Such petitions will not be ordinarily entertained after the filing of the Commissioner's brief in cases in which review has been sought under 35 U.S.C. 141, or after trial in a 35 U.S.C. 145 case.

In the case of an appeal under 35 U.S.C. 141, if the petition is granted, steps will be taken to request the court to remand the case to the Patent Office and if so remanded the proposed amendments, evidence, and arguments will be entered of record in the application file for consideration, and further action will be taken by the Board of Appeals in the first instance or by the examiner as may be appropriate. In the case of civil action under 35 U.S.C. 145, steps will be taken for obtaining dismissal of the action without prejudice to consideration of the proposals.

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

Approved: October 16, 1969.

MYRON TRIBUS,
Assistant Secretary for Science & Technology.

[F.R. Doc. 69-12674; Filed, Oct. 22, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to Section 5-B, Organization as follows:

After the paragraph under *National Center for Health Statistics (3E00)*, insert:

National Center for Family Planning Services (3F00). Plans, directs, and coordinates the family planning activities of the Health Services and Mental Health Administration. Specifically: (1) Develops HSMHA policy on matters pertaining to family planning activities; (2) develops long-range (5-year) family planning program objectives and plans; (3) formulates guidelines governing the preparation of annual family planning programs and reviews those programs on behalf of the Administrator; (4) administers family planning project grant activities of the Health Services and Mental Health Administration; (5) administers extramural research and training activities incidental to family planning activities of the Administration; (6) coordinates, through Regional Office family planning

representatives, the provision of technical assistance in family planning to State and local health organizations and to interested private organizations and institutions; (7) serves as a national clearinghouse for family planning information and data; and (8) coordinates family planning activities of the Health Services and Mental Health Administration with those of other components of the Department, other departments and agencies, and interested private organizations and institutions.

Dated: October 15, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-12634; Filed, Oct. 22, 1969; 8:45 a.m.]

Office of Education

FEDERAL FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN CRITICAL SUBJECTS

Allotment Ratios

Allotment ratios under title III, National Defense Education Act of 1958, for financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects.

Pursuant to section 302 of the National Defense Education Act of 1958 (20 U.S.C. 442), the following allotment ratios for the several States of the Union and the District of Columbia, as computed on the basis of the income per child of school age in each of the States of the Union and the District of Columbia in relation to the whole of the United States for the calendar years 1965, 1966, and 1967, being the three most recent consecutive years for which satisfactory data were available as of August 31, 1968, from the Department of Commerce, are hereby promulgated for each of the 2 fiscal years in the period beginning July 1, 1969, and ending June 30, 1971.

Alabama	.6667
Alaska	.4882
Arizona	.6008
Arkansas	.6638
California	.4011
Colorado	.5302
Connecticut	.3469
Delaware	.4361
Florida	.5321
Georgia	.6188
Hawaii	.5258
Idaho	.6200
Illinois	.3906
Indiana	.5012
Iowa	.5053
Kansas	.5201
Kentucky	.6284
Louisiana	.6537
Maine	.5799
Maryland	.4683
Massachusetts	.4086
Michigan	.4895
Minnesota	.5407
Mississippi	.6667
Missouri	.5051
Montana	.5881
Nebraska	.5148
Nevada	.4083
New Hampshire	.5129
New Jersey	.3797
New Mexico	.6632
New York	.3411
North Carolina	.6326
North Dakota	.6232
Ohio	.5017
Oklahoma	.5648
Oregon	.5026
Pennsylvania	.4713
Rhode Island	.4381
South Carolina	.6667
South Dakota	.6157
Tennessee	.6247
Texas	.5903
Utah	.6426
Vermont	.5640
Virginia	.5625
Washington	.4667
West Virginia	.6344
Wisconsin	.5193
Wyoming	.5636
District of Columbia	.3333

Dated: October 17, 1969.

JAMES E. ALLEN, Jr.,
Assistant Secretary,
Commissioner of Education.

[F.R. Doc. 69-12686; Filed, Oct. 22, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-240]

GULF GENERAL ATOMIC INC.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 3 to Facility License No. R-104 dated September 8, 1966. The license presently authorizes the Gulf General Atomic Inc. to possess, use, and operate the Modified HTGR Critical Facility located at the Torrey Pines Mesa site near San Diego, Calif., at power levels up to 100 watts (thermal). The amendment authorizes Gulf General to (1) partially dismantle the facility, (2) to possess, but not operate, the deactivated facility, and (3) possess, but not use, the special nuclear, byproduct and source materials formerly used in connection with operation of the facility.

By application dated July 30, 1969, and supplement dated September 18, 1969, the Gulf General Atomic Inc. requested (1) authorization to partially dismantle the Modified HTGR Critical Facility in accordance with the procedures set forth in their application, and (2) an amendment to License No. R-104 to authorize possession, but not operation, of the facility. The fuel will be removed and stored in the storage vault in accordance with procedures which have previously been reviewed and approved by the Commission. License conditions will limit the geometry and material in the fuel storage racks such that the k_{eff} will be equal to or less than 0.80 if submerged in water.

Therefore, there is reasonable assurance that the health and safety of the public will not be endangered by the proposed dismantling of the HTGR and the storage of the component parts, special nuclear, byproduct and source materials from the HTGR.

The Commission has found that the application for the amendment, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR, Chapter I, and that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to interevene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated July 30, 1969, and supplement dated September 18, 1969, and (2) the amended facility license which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of October 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-12629; Filed, Oct. 22, 1969; 8:45 a.m.]

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Notice of Proposed Issuance of Provisional Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of a provisional operating license to Commonwealth Edison Co. (Commonwealth Edison) which would authorize the licensee to possess, use, and operate the Dresden Nuclear Power Station Unit 2 (Dresden 2), a single cycle, boiling, light water reactor, on Commonwealth Edison's site in Grundy County, Ill., at steady state power levels not to exceed 2527 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications appended thereto. Construction of Dresden 2 was authorized by Provisional Construction Permit No. CPPR-18 issued by the Commission on January 10, 1966.

The Commission has found that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter 1.

Prior to issuance of the provisional operating license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR–18. The license will be issued after the Commission makes the findings, reflecting its review of the application, which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, Commonwealth Edison will be required to excute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction has not been completed to permit full power operation, the Commission may issue a provisional operating license consistent with the level of construction completed to permit initial fuel loading and low power testing prior to the issuance of the full power license.

Concurrently with its safety review of the application for Dresden 2, the Commission conducted a safety review of Dresden Nuclear Power Station Unit 3 (Dresden 3), which is identical in design to Dresden 2 and is presently under construction as authorized by Provisional Construction Permit No. CPPR–22 issued by the Commission on October 14, 1966 (Docket No. 50–249). Construction of Dresden 3 is anticipated to be completed in approximately 1 year. At the time the construction of Dresden 3 nears completion, and appropriate reviews of the application by the Commission and the Advisory Committee on Reactor Safeguards have been completed, the Commission will publish a notice in the FEDERAL REGISTER pursuant to the requirements of 10 CFR Part 2 of the Commission's regulations concerning the issuance of a provisional operating license to Commonwealth Edison for the operation of Dresden 3.

Within thirty (30) days from the date of publication of the notice for Dresden 2 in the FEDERAL REGISTER, Commonwealth Edison may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the Commonwealth Edison application for a facility license dated November 17, 1967, as amended (Amendments Nos. 7 through 20), (2) the report of the Advisory Committee on Reactor Safeguards on the application for Dresden 2, dated September 10, 1969, (3) the proposed provisional operating license including Technical Specifications attached as Appendix A, and (4) a related safety evaluation prepared by the Division of Reactor Licensing, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (4) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of October 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69–12749; Filed, Oct. 22, 1969; 9:07 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69–10–85]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Matters

Issued under delegated authority October 17, 1969.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to cargo matters, Docket No. 20993, Agreement CAB 21262, R–1 through R–5, Agreement CAB 21263.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements amend the existing resolutions governing bulk unitization charges so as to clarify that such charges shall not apply for the carriage of live animals, animal stalls, or human remains. Additionally, the agreements provide that minimum charges for consignments from Bulgaria/Hungary/Rumania be maintained at the level which existed prior to the recent Athens worldwide cargo conference.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement	*IATA resolution*
21262:	
R–1	JT12(Mail 710)534a.
R–2	JT12(Mail 710)534b.
R–3	JT23(Mail 224)535.
R–4	JT31(Mail 165)526a.
R–5	JT31(Mail 165)536b.
21263	200(Mail 925)501.

Accordingly, it is ordered, That:

Action on Agreements CAB 21262, R–1 through R–5, and 21263 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–12691; Filed, Oct. 22, 1969; 8:49 a.m.]

[Docket No. 21488; Order 69–10–88]

FRONTIER AIRLINES, INC.

Order Regarding Fare Revisions and Cancellations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1969.

By tariff revisions[1] marked to become effective October 20, 1969, Frontier Airlines, Inc. (Frontier) proposes to cancel approximately 1,500 propeller first-class fares and to add a second level propeller first-class fare between North Platte and Lincoln, Nebr., applicable on service via Omaha.

In support of its proposed propeller fare cancellations, Frontier submits that it currently publishes more tariff pages than most other carriers, including the largest trunks. Consequently, its revision costs are disproportionate to revenues. Since hundreds of these fares have little for no application, or are used by little or no traffic, Frontier proposes to cancel them at this time. Frontier's second level fare in the North Platte-Lincoln market, on the other hand, is being proposed due to a revision in the carrier's routing as a result of a change in the service pattern.

A complaint has been filed by the North Platte Airport Authority (NPAA) against the proposed second level fare between Lincoln and North Platte, Nebr.,[2] which is to apply via Omaha at an additional charge of $6 over the first level fare in

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 101.

[2] The city of Lincoln has filed an answer to NPAA's complaint stating that it is in full accord with views expressed by NPAA insofar as its allegation that this added charge for an inferior service is unjust, unreasonable, unjustly discriminatory and unduly prejudicial, and in violation of section 404(b) of the Federal Aviation Act.

this market.[3] NPAA alleges that forcing passengers to pay a higher fare over a more circuitous route is unjust, unreasonable, unjustly discriminatory and unduly prejudicial, and in violation of section 404(b) of the Federal Aviation Act and therefore should be suspended and investigated. NPAA asserts that the commuter wishing to travel from North Platte to Lincoln in the morning and return from Lincoln to North Platte in the evening has no choice but to ride the circuitous route. Under these circumstances, NPAA believes that commuter passengers from North Platte should not be required to pay a fare which is 27 percent higher than the direct route fare. Frontier has filed an answer to the complaint.

Upon consideration of all relevant matters, the Board has determined that the proposal of Frontier to cancel 1,524 propeller first-class fares may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The proposed cancellation would compel passengers utilizing these services to pay the higher combination of local fares in the markets involved. Moreover, the Board is unable to determine from the carrier's justification what the impact on the traveling public can be expected to be. Accordingly, the proposed propeller fare cancellations will be suspended pending investigation.

The Board finds that the complaint of NPAA against the proposed second level fare between North Platte and Lincoln does not set forth facts sufficient to warrant investigation and the request therefor, and consequently the request for suspension will be denied. The proposed fare represents a substantial reduction from the charge presently imposed and reflects normal industry practice in such circumstances.[4]

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

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[5] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly dicriminatory, unduly peferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A [5] hereto are suspended and their use deferred to and including January 17, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

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

4. A copy of this order be filed with the aforesaid tariff and be served upon Frontier Airlines, Inc.

5. The complaint of the North Platte Airport Authority in Docket 21488 is dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-12692; Filed, Oct. 22, 1969; 8:49 a.m.]

[3] The carrier presently has a direct first-level propeller first-class fare in this market of $22. The newly proposed second level fare, however, is being established at $28.

[4] The combination of local fares between North Platte and Lincoln via Omaha is $42.

[5] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. RP70-10]

HORNER AND SMITH

Notice of Proposed Changes in Rates and Charges

OCTOBER 13, 1969.

Take notice that Horner and Smith, a partnership (H and S) on October 8, 1969, tendered for filing a proposed increase in rate for all gas sold only to Michigan Wisconsin Pipeline Co. (Michigan Wisconsin) to become effective November 7, 1969. H and S states the sales to Michigan Wisconsin constitute 93.68 percent of the total sales projected for the test period. The proposed increase from 17 cents per Mcf to 19.5 cents per Mcf, based on cost of service on the depreciated original investment cost, would increase charges on these sales by approximately $51,274 on sales projected for the test period.

H and S states that its proposed increase is necessitated by the fact that it is presently operating at a deficit because of declining deliverability reserves and that H and S is hopeful that increased revenues will result in increased sales to Michigan Wisconsin. H and S further states that the proposed increase is provided for by contract between Buyer and Seller.

H and S operates pipeline facilities for gathering and transportation of gas in Mississippi and Louisiana and a processing plant in Tensas Parish, La.

Copies of the filing were served on Michigan Wisconsin and the Louisiana Public Service Commission.

Any person desiring to be heard or to make a protest with reference to said application should on or before November 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12630; Filed, Oct. 22, 1969; 8:45 a.m.]

[Docket No. CP70-84]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 15, 1969.

Take notice that on October 6, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70-84 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970 and the operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total estimated cost of the proposed facilities will not exceed $5 million. Applicant requests that the cost limitation in § 157.7(b)(1)(ii) of the regulations under the Natural Gas Act be waived to permit expenditures of up to $750,000 for any single project.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 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. 69-12631; Filed, Oct. 22, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 462]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 20, 1969.

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

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

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

1876-C2-P-70—RCC of Virginia, Inc. (New), C.P. for new 2-way station to be located at 2215 Jefferson Davis Boulevard, Fredericksburg, Va., to operate on frequency 152.21 MHz.

1877-C2-P-(3)-70—Mississippi Mobile Telephone Co. (New), C.P. for new 2-way station to be located at WLBT-TV, Thigpen Road 4 miles southeast of Raymond, Jackson, Miss., to operate on frequencies 454.050, 454.175, 454.350 MHz.

1878-C2-P-70—Radio Marshall, Inc. (New), C.P. for new 1-way station to be located at 2323 Jefferson Avenue, Marshall, Tex., to operate on frequency 35.58 MHz.

1879-C2-P-70—Southern Message Service, Inc. (KKO360), C.P. to change the location of the control transmitter at location No. 3 to: 206 South Dennis Street, Minden, La., operating on frequency 72.02 MHz.

1880-C2-P-70—Paul C. and Teressa M. Stark (KFL957), C.P. to change antenna location to: Lakeshore Towers, 2306 southwest 13th Street, Gainesville, Fla., operating on base frequency 152.06 MHz.

1895-C2-P-70—Lane Paging, Inc. (New), C.P. for new 1-way station to be located on Blanton Heights 1 mile southwest from Eugene, Oreg., to operate on frequency 158.70 MHz.

1896-C2-P-70—Answerite Professional Telephone Service (New), C.P. for new 2-way station to be located one-half mile north intersection Wickham and Aurora Roads, Eau Gallie, Fla., to operate on frequency 152.06 MHz.

1897-C2-P-(3)-70—Kentucky Mobile Telephone Co. (New), C.P. for new 2-way station to be located at 800 Building, 800 South Fourth Street, Louisville, Ky., to operate on frequencies 454.025, 454.125, 454.225 MHz.

1898-C2-P-(4)-70—Communications Engineering Co. (KMA742), C.P. for additional repeater and control facilities. Repeater frequencies 72.46 and 72.96 MHz at existing location 2½ miles north of Porterville, Calif. Control frequencies 75.50 and 75.82 MHz at a new site to be identified as location No. 2: 110 West Oak Street, Visalia, Calif.

1899-C2-P-69—Professional Answering Service (KED362), C.P. to change antenna location to: 1 mile northwest of Liberty, N.Y., operating on frequency 152.18 MHz. Change antenna system and replace transmitter for same.

1900-C2-P-70—Polito Communications, Inc. (New), C.P. for new 2-way station to be located at 101 Walnut Street, Rochester, N.Y., to operate on frequency 454.050 MHz.

1915-C2-P-70—Southwestern Bell Telephone Co. (New), C.P. for new Developmental Air-Ground station. Frequencies: 454.675 MHz (signaling); 454.950 MHz (base). Location: 2.2 miles south-southwest of Spring, Tex.

1916-C2-P-70—Southwestern Bell Telephone Co. (New), C.P. for new Developmental Air-Ground station. Frequencies: 454.675 MHz (signaling); 454.800 MHz (base). Location: 5355 Illinois Street, Dallas, Tex.

1917-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for new Developmental Air-Ground station. Frequencies: 454.675 MHz (signaling); 454.775 MHz (base). Location: Round Top Hill, 5.3 miles northeast of Oakland Civic Center, Calif.

1918-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for new Developmental Air-Ground station. Frequencies: 454.675 MHz (signaling); 454.725 MHz (base). Location: 5.6 miles north of Julian, Calif.

1919-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for new Developmental Air-Ground station. Frequencies: 454.675 MHz (signaling); 454.800 MHz (base). Location: Oat Mountain 5.5 miles southwest of Newhall, Calif.

1920-C2-P-(3)-70—South Central Bell Telephone Co. (New), C.P. for new 1-way station to be located at location No. 1: On Red Mountain 1 mile south of Downtown Birmingham, Ala. Location No. 2: 1738 30th Street West, Birmingham, Ala. Location No. 3: Smith Highlands community, 1.9 miles southwest of downtown Bessemer, Ala., to operate on freqeuncy 152.84 MHz.

1921-C2-P-70—Anserphone of Goldsboro, Inc. (New), C.P. for new 2-way station to be located at 412 East Ash Street, Goldsboro, N.C., to operate on frequency 152.18 MHz.

1922-C2-P-70—General Telephone Co. of California. (New), C.P. for new 2-way station to be located at 1314 Seventh Street, Santa Monica, Calif., to operate on frequency 454.425 MHz.

1923-C2-P-(3)-70—Missouri Mobile Telephone Co. (New), C.P. for new 2-way station to be located at Chase Park Plaza Hotel, 220 North Kings Highway Boulevard, St. Louis, Mo., to operate on frequencies 454.025, 454.100, 454.150 MHz.

1927-C2-P-(2)-70—Two Way Radio of Carolina, Inc. (KIY441), C.P. for additional facilities to operate on frequencies 454.125, 454.175 MHz at station located at 112 South Tryon Street, Charlotte, N.C.

1928-C2-P-70—Two Way Radio of Carolina, Inc. (KLF612), C.P. for additional facilities at a new site to be identified as location No. 2: 2020 West Morehead Street, Charlotte, N.C., to operate on frequency 158.70 MHz.

1930-C2-P-70—Southwestern Bell Telephone Co. (New), C.P. for new Developmental Air-Ground station. Frequencies: 454.675 MHz (signaling); 454.900 MHz (base). Location 1425 Oak Street, Kansas City, Mo.

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

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

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

1931-C2-P-70—Mobilfone Communications, Inc. (KKX714), C.P. to change antenna system and replace transmitter for frequency 152.15 MHz at its station located at location No. 1: Top of hill, 1 mile west of city limits of Austin, Tex.

1935-C2-P-70—Southwestern Bell Telephone Co. (New), C.P. for new Developmental Air-Ground station. Frequencies: 454.675 MHz (signaling); 454.800 MHz (base). Location 2651 Olive Street, St. Louis, Mo.

Correction

5072-C2-P-69—Relay Communications Corp. (New Correct to read: 5072-C2-P-69 Relay Communications Corp. (KLF579) C.P. to add a second channel to operate on base frequency 152.06 MHz. All other particulars to remain the same as reported on public notice dated Mar. 10, 1969, Report No. 430.

Major Amendments

1473-C2-P-(3)-70—General Communications Service, Inc. (KIG296), Application amended to change base and mobile frequencies from 454.050 MHz and 459.050 MHz to 454.350 and 459.350 MHz respectively. All other particulars to remain the same as reported on public notice dated Sept. 29, 1969, Report No. 459.

7376-C2-P-69—General Telephone Co. of Illinois (New), Change frequency to read: 158.10 MHz. All other particulars to remain the same as reported on public notice dated June 16, 1969.

4244-C2-P-69—Tel-Page Corp. (New), Change base frequency to 152.06 MHz. All other particulars to remain the same as reported on public notice dated Jan. 27, 1969, Report No. 424.

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

1924-C1-P/L-70—The Mountain States Telephone and Telegraph Co. (New), C.P. and license for a new fixed station to be located at 500 Foothill Drive, Salt Lake City, Utah. Frequency 5975 MHz toward the University of Utah Medical Center, Salt Lake City, Utah.

1932-C1-P-70—The Chesapeake and Potomac Telephone Co. of West Virginia (New), C.P. for a new fixed station to be located at 214 Monroe Street, Fairmont, W. Va. Frequencies 6360.3 and 10,775.0 MHz toward Halleck, W. Va. (passive repeater).

1933-C1-P-70—The Chesapeake and Potomac Telephone Co. of West Virginia (KQN93), C.P. to add frequencies 6137.9 and 11,655.0 MHz toward Fairmont, W. Va. (passive repeater) and frequencies 6011.9 and 11,245.0 MHz toward Bridgeport Hill, W. Va. Location: Halleck, 10 miles south of Morgantown, W. Va.

1934-C1-P-70—The Chesapeake and Potomac Telephone Co. of West Virginia (KQM84), C.P. to add frequencies 6264.0 and 10,795.0 MHz toward Halleck, W. Va. Location: Bridgeport Hill, 1 mile east of Clarksburg, W. Va.

Major Amendment

556-C1-P-70—RCA Alaska Communications, Inc. (New), Change frequencies 6595, 6675, and 6635 MHz directed toward Twelvemile Lake, Alaska, to 6315.8, 6345.5 and 6375.1 MHz. Location: Scotty Lake, 5.9 miles west of Talkeetna, Alaska. All other particulars same as reported in public notice dated Aug. 11, 1969, Report No. 452.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1894-C1-P-70—Mountain Microwave Corp. (KAQ88), C.P. to add point of communication at Hot Springs, S. Dak. Location: Mount Coolidge, 6 miles east-southeast of Custer, S. Dak. Frequencies: 6256.5, 6586.2, and 6315.9 MHz on azimuth 176°53'. (Informative: Applicant is rerouting service to Hot Springs.)

Correction

1843-C1-P-70 through 1850-C1-P-70—United Video, Inc., The informative note appearing on public notice dated Oct. 13, 1969, should show the signal of KDTV rather than KMEC-TV to be delivered to Arkansas City, Kans., and Enid, Okla.

[F.R. Doc. 69-12681; Filed, Oct. 22, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4795]

ALABAMA POWER CO.

Notice of Proposed Increase in Short-Term Borrowing and Related Matters

OCTOBER 15, 1969.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala. 35202, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transactions.

Alabama requests that from the effective date of the Commission's order herein to December 31, 1970, the exemption from the provisions of section 6(a) of the Act afforded by the first sentence of section 6(b) of the Act, relating to the issue and sale of short-term notes, be increased from 5 percent of the principal amount and value of the other securities of Alabama at the time outstanding to approximately 10 percent of capitalization and surplus. Such increase will permit Alabama to issue the maximum aggregate principal amount of short-term notes permissible under its charter (without a vote of holders of its outstanding preferred stock). As at August 31, 1969, this amount was approximately $80 million, and such amount represents the maximum amount of notes presently to be authorized herein. Changes may be made in the maximum amount of notes to be outstanding and in the amounts to be borrowed from the various banks by the filing of a post-effective amendment and a further order of the Commission. Under the proposed exemption pursuant to section 6(b), Alabama proposes to issue and sell short-term notes to a group of banks and to issue and sell commercial paper from time to time prior to December 31, 1970, which together shall not exceed $80 million in aggregate principal amount at any one time outstanding, including currently outstanding bank loans aggregating $22,287,000 in principal amount which were issued pursuant to the exemption provided by the first sentence of section 6(b) of the Act. Alabama has also filed a separate application and an amendment thereto seeking authorization to issue and sell at competitive bidding $35 million of first mortgage bonds (Holding Company Act Release No. 16848).

The proposed notes to banks will bear interest at a rate not exceeding the prime rate in effect at the lending bank. Each such note will mature not later than 9 months from its issue date, will be dated as of the date of the borrowing, and will be prepayable at any time, in whole or in part, without premium or penalty. The names of the banks and the maximum amounts to be borrowed from each will be filed by amendment.

The proposed commercial paper will be in the form of promissory notes with varying maturities not to exceed 270 days, will be issued in denominations of not less than $50,000 and not more than $5 million, and will not be prepayable prior to maturity. The commercial paper will be sold by Alabama directly to Goldman, Sachs & Co., a dealer in commercial paper, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity sold by issuers thereof to commercial paper dealers, provided, however, that no commercial paper notes will be issued having a maturity more than 90 days at and effective interest cost which exceeds the effective interest cost at which the applicant company could borrow from banks. No commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate to Alabama to not more than 100 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer.

The proceeds from the sale of the bank notes and commercial paper notes will be used by Alabama to reimburse its treasury for part of the expenditures in connection with its construction program, to finance in part its future construction program, to pay at maturity from time to time outstanding bank notes

and commercial paper notes, and for other lawful purposes. The total estimated construction expenditures of Alabama for 1969 and 1970 are $94 million and $150 million, respectively. The application states that Alabama will not necessarily apply all or part of the net proceeds of any long-term public financing to pay or reduce the principal amount of its outstanding bank notes and commercial paper notes. The application further states that, unless otherwise authorized by the Commission, any notes or commercial paper of Alabama outstanding after December 31, 1970, will be retired from internal cash resources or from the proceeds of permanent debt or equity financing.

Alabama asserts that the issue and sale of commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for prime borrowers, such as Alabama, are published daily in financial publications, and it is not practical to invite bids for commercial paper. Alabama also requests authority to file certificates of notification under Rule 24 in respect of its commercial paper on a quarterly basis.

Alabama's fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,350, including legal fees of $1,000. It is represented that the proposed transactions are subject to jurisdiction of the Alabama Public Service Commission and that Alabama will file a certified copy of the order of that State commission by amendment. It is further represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 4, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-12645; Filed, Oct. 22, 1969; 8:46 a.m.]

[812-2616]

FIRST MIDWEST CAPITAL CORP.

Notice of Filing of Application for Order Authorizing Proposed Transaction

OCTOBER 15, 1969.

Notice is hereby given that First Midwest Capital Corp., 703 Northstar Center, 110 South Seventh Street, Minneapolis, Minn. 55402 ("applicant"), a closed-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act") and a licensee under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order granting said application with respect to the acquisition of common stock of Midtown Park, Inc. ("Midtown"), by applicant and certain other common stockholders of Midtown, pursuant to a pro rata offering of its common stock made by Midtown to the holders of its common stock. Certain of the common stockholders of Midtown who propose to acquire additional common stock in connection with the offering are affiliated persons, or affiliated persons of affiliated persons, of applicant under section 2(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Midtown owns and operates a multilevel parking ramp in Minneapolis, Minn. It has outstanding 20,000 shares of common stock owned by 17 shareholders. The two largest holdings of Midtown's common stock are held by applicant, which owns 8,500 shares (42.5 percent) of Midtown's outstanding common stock, and by Commerce Capital Corp., which owns 1,500 shares (7.5 percent) of such stock. In addition, applicant holds 8 percent third mortgage notes of Midtown with a cost of $472,500. Victor L. Fink, president of Midtown, owns 1,000 shares of the common stock of Midtown and William W. Fink owns 200 shares of such stock; each is a partner of Alan K. Ruvelson in V & W Associates, which is engaged in the operation of leased parking lots in the State of North Dakota. Mr. Ruvelson is president of applicant and owns 18 percent of its outstanding common stock. Hester T. Bennett, wife of Wilbur M. Bennett, a director of applicant, owns 1,000 shares of the common stock of Midtown.

Midtown has offered to its common stockholders 20,000 shares of its common stock on a pro rata basis at the par value of the stock of $5 per share. Applicant and Commerce Capital Corporation propose to purchase their pro rata share of the offering. Victor and William Fink and Mrs. Bennett, together with all but one of the other common stockholders of Midtown, propose to purchase their pro rata share of the offering and to purchase on a pro rata basis the 1,000 shares offered to the one common stockholder of Midtown which does not propose to purchase the shares offered.

Rule 17d-1, adopted under section 17(d) of the Act, provides, among other things, with certain exceptions not here applicable, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than October 29, 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 applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application 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 postponement thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this

Notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-12646; Filed, Oct. 22, 1969; 8:46 a.m.]

[811-1683]

TUESDAY CAPITAL CORP.

Notice of Proposal To Terminate Registration

OCTOBER 15, 1969.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Tuesday Capital Corp. ("TCC"), c/o Allen E. Broussard, 600 Washington, Oakland, Calif. 94602, a California corporation registered under the Act as a closed-end investment company, has ceased to be an investment company.

TCC filed its notification of registration under the Act on July 8, 1968, and a registration statement on Form N-5 under the Act on October 24, 1968. The latter included an exhibit designated as an offering circular under Regulation E pursuant to the Securities Act of 1933 for the sale of 30,000 shares of its capital stock. Available information indicates that no such shares were offered or sold to the public. No other filings, including those required by section 30 of the Act, have been received by the Commission. The staff of the Commission's Division of Corporate Regulation and its San Francisco Regional Office have been unsuccessful in attempts to contact officers or directors of TCC to determine the company's status.

The Commission has been informed that TCC has not had issued to it a license to operate under the Small Business Investment Act of 1958 although such was its original intention. Nor did it receive a permit under California law to issue and sell securities to the public.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than November 5, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications 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 TCC 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 thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-12647; Filed, Oct. 22, 1969; 8:46 a.m.]

[812-2491]

CARTER GROUP, INC.

Notice of Filing of Application for Order of Temporary Exemption

OCTOBER 13, 1969.

Notice is hereby given that The Carter Group Inc., 430 Park Avenue, New York, N.Y. 10022 ("Applicant"), a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission temporarily exempting it from section 7 of the Act. Applicant, in requesting such temporary exemption, has agreed that it shall be subject to all other provisions of the Act and the rules and regulations thereunder as though Applicant were a registered investment company, other than the following: Sections 8; 10(a); 17 (f), (g), and (h); 20(a); 30; and 31. 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.

On March 17, 1969, Applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or indirectly through wholly owned subsidiaries or controlled companies. Section 3(b)(2) provides that the filing of an application thereunder shall exempt an applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) of the Act expired, in Applicant's case, on May 15, 1969. Applicant, which has not registered as an investment company under the Act, now requests by this application that it be exempted from May 15, 1969 until the Commission acts upon its application under section 3(b)(2) of the Act.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) provides that, if, in connection with any order under section 6 exempting any investment company from section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Notice is further given that any interested person may not later than November 3, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-12648; Filed, Oct. 22, 1969; 8:46 a.m.]

[812-2604]

METROPOLITAN LIFE INSURANCE CO. AND METROPOLITAN VARIABLE ACCOUNT A

Notice of Filing of Application for Order Granting Exemption

OCTOBER 16, 1969.

Notice is hereby given that Metropolitan Life Insurance Co., 1 Madison Avenue, New York, N.Y. 10010, ("Applicant") has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant and Metropolitan Variable Account A ("Separate Account") from the provisions of section 27(a)(3) of the Act to the extent set forth below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is a mutual life insurance company organized under the laws of the State of New York. Separate Account was established by Applicant pursuant to the New York Insurance Law and Applicant intends to allocate to the Separate Account payments, after certain deductions, received under Flexible-Purchase Variable Annuity Contracts proposed to be offered by Applicant.

A notification of claim of exemption pursuant to Rule 6e-1 under the Investment Company Act of 1940 has been filed with respect to the Separate Account and a registration statement has been filed under the Securities Act of 1933 with respect to the contracts.

The proposed amount of sales load deduction from purchase payments received under a contract during each contract year is as follows:

Amount of payment during year	*Deductions (as percent of payment)*
First $10,000	8.0
Next $40,000	4.5
Balance	2.5

Applicant requests an exemption from section 27(a)(3) of the Act to permit such a schedule of sales load deductions or any similar schedule under which the percentage amount of sales load deducted from payments under contracts issued in connection with the Separate Account may decrease within a contract year: *Provided*, That the percentage amount of sales load deducted from any payment under any such contract shall not exceed 9 percent of such payment.

Section 27(a)(3) of the Act makes it unlawful for any registered investment company issuing periodic payments plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate if the amount of sales load deducted from any one of the first 12 monthly payments exceeds proportionately the amount deducted from any other such payment or if the amount of sales load deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Section 6(c) of the Act permits the Commission, upon application, to grant an exemption from any provision of the Act if it finds that an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that section 27(a)(3) of the Act was designed to lessen losses which might be incurred upon early termination of periodic payment plan certificates involving front-end load arrangements. Applicant further represents that its proposed sales deductions schedule does not involve a front-end load arrangement and that such a schedule cannot lead to the abuses intended to be curbed by section 27(a)(3).

Notice is further given that any interested person may, not later than October 31, 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 Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-12649; Filed, Oct. 22, 1969; 8:46 a.m.]

[812-2611]

NATIONAL VARIABLE ANNUITY COMPANY OF FLORIDA AND NATIONAL VARIABLE ANNUITY COMPANY OF FLORIDA SEPARATE ACCOUNT

Notice of Filing of Application for Exemption

OCTOBER 15, 1969.

Notice is hereby given that National Variable Annuity Company of Florida ("Insurance Company") and National Variable Annuity Company of Florida Separate Account, Florida National Bank Building, Jacksonville, Fla. 32202 ("Separate Account") (hereinafter collectively "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 22(d) of the Act. Separate Account was established in 1965 for the purpose of maintaining assets accruing from the sale by Insurance Company of individual and group variable annuity contracts. 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 security issued by it to any person except at a current offering price described in the prospectus. This section has been interpreted as prohibiting variations in the sales load except on a uniform basis.

Applicants presently sell and maintain individual and group variable annuity contracts, deducting from contract payments a charge for sales and administrative expenses. The contracts provide that the individual contract owner may elect any of several specified optional methods of retirement payments. Similarly, the contract owner may specify the method of payment to be made to his designated beneficiary in the event of his death.

Applicants propose to include in individual contracts a provision which would enable the beneficiary of a deceased owner's contract to make the election as to the form of payment if the contract owner has not made such election prior to his death. Such a provision is intended to enable the beneficiary to become a contract owner without the imposition of a charge for sales and administrative expenses.

Applicants request an exemption from section 22(d), to the extent deemed necessary, to permit the offering of individual variable annuity contracts containing such a provision.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 4, 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.*

[F.R. Doc. 69–12650; Filed, Oct. 22, 1969; 8:46 a.m.]

[811–607]

ST. LOUIS MIDWEST CO.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

OCTOBER 17, 1969.

Notice is hereby given that St. Louis Midwest Company of St. Louis, 506 Olive Street, St. Louis, Mo. 63101 ("Applicant"), a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant's shareholders, at a special meeting held on March 17, 1969, approved a Plan of Complete Liquidation ("Plan"). Applicant's board of directors, on March 25, 1969, adopted a resolution authorizing the distribution of all of Applicant's assets, consisting of shares of the common stock of Fidelity Fund, Inc. ("Fidelity Fund"), and cash, to Applicant's shareholders of record on March 21, 1969, in the ratio of 2.12754 shares of Fidelity Fund for each share of Applicant's common stock outstanding, plus a liquidating cash distribution. Applicant had outstanding on that date 11,252 shares and 26 shareholders. The Fidelity Fund shares and cash distribution have been distributed upon the surrender of shares of Applicant's common stock to such shareholders, except for one person holding 200 shares of applicant's common stock who has not presented his certificates for payment of the liquidating distribution.

On September 3, 1969, there remained on hand a balance of $10,719.87, which had been deposited with The Boatmen's National Bank of St. Louis to be used to meet tax liabilities and possible contingencies. Any balance remaining after payment of any claims against Applicant will also be distributed to its shareholders.

The application further states that Articles of Liquidation, by which the dissolution of Applicant under Missouri law will be completed, were to be filed with the Secretary of State of Missouri no later than September 17, 1969, pursuant to the Plan.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than November 7, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the 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 matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69–12651; Filed, Oct. 22, 1969; 8:46 a.m.]

[811–1696]

UNITED STATES CENTRAL BANCOMMONS, INCORP.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

OCTOBER 15, 1969.

Notice is hereby given that United States Central Bancommons, Incorp., 803 North Randolph Avenue, Clarksville, Ind. 47130 ("Applicant"), an Indiana corporation, registered as a closed-end investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant originally proposed to make a public offering of its common stock, and filed with the Commission a registration statement (File No. 2–30240) under the Securities Act of 1933 for this purpose. Applicant determined that a public offering was not feasible and requested that the registration statement be withdrawn, which the Commission permitted by order dated May 20, 1969.

Applicant's registration statement under the Act on Form N–8B–1 states that the outstanding securities of Applicant are owned beneficially by six individuals and a limited partnership. Applicant represents that it has not and does not intend to offer its securities to the public.

Section 3(c)(1) of the Act states, inter alia, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act states, that whenever, the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 5, 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 Applicant at the address set forth above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-12652; Filed, Oct. 22, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

OCTOBER 17, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 18, 1969, through October 27, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-12653; Filed, Oct. 22, 1969; 8:46 a.m.]

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

OCTOBER 17, 1969.

The common stock, $1 par value, of Commonwealth United Corp., a California corporation, being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 20, 1969, through October 29, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-12654; Filed, Oct. 22, 1969; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 17, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1969, through October 28, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-12655; Filed, Oct. 22, 1969; 8:46 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

OCTOBER 15, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Liberty Equities Corp., a District of Columbia corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 16, 1969, through October 25, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-12656; Filed, Oct. 22, 1969; 8:47 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

OCTOBER 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp., a New York corporation, and all other securities of Liquid Optics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 18, 1969, through October 27, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-12657; Filed, Oct. 22, 1969; 8:47 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

OCTOBER 16, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 17, 1969, through October 26, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-12658; Filed, Oct. 22, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30; Cleveland Disaster 1]

MANAGER, DISASTER BRANCH OFFICE, CLEVELAND

Rescission of Delegation of Authority

Notice is hereby given that Delegation of Authority No. 30, Disaster 1, 34 F.R. 13346, is hereby rescinded in its entirety.

Effective Date: October 6, 1969.

JOHN F. O'BRIEN,
Acting Regional Director,
Cleveland Regional Office.

[F.R. Doc. 69-12659; Filed, Oct. 22, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTALISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Barnes Mercantile Co., department store; Manafield, Ark.; 6-21-69 to 6-20-70.

Bill's Clothes, Inc., apparel store; 15119 St. Clair Avenue, Cleveland, Ohio; 7-29-69 to 7-28-70.

Braselton Brothers, Inc., department store; Braselton, Ga.; 8-9-69 to 8-8-70.

Bronson's, apparel store; 122 Normandale Arcade, Montgomery, Ala.; 8-5-69 to 8-4-70.

Channelview Food Market, Inc., foodstore; 777 Sheldon Road, Channelview, Tex.; 7-21-69 to 7-20-70.

W. L. Dozier & Son, foodstore; Route 1, Elmore, Ala.; 7-7-69 to 7-6-70.

Draper & Darwin Stores, department store; Main Street, Franklin, Tenn.; 7-29-69 to 7-28-70.

George's Super Valu, foodstore; 555 Railroad Drive, Elk River, Minn.; 8-6-69 to 8-5-70.

Glendive Community Hospital, hospital; Glendive, Mont.; 8-6-69 to 8-5-70.

Goldblatt Brothers, Inc., department store; 4700 South Ashland Avenue, Chicago, Ill.; 8-1-69 to 7-31-70.

Golden Good Shepherd Home, nursing home; Golden, Ill.; 8-26-69 to 8-25-70.

W. T. Grant Co., variety-department stores: No. 482, Delphos, Ohio; 8-22-69 to 8-21-70; No. 343, Milwaukee, Wis., 7-21-69 to 7-20-70.

Hageman's Cash Store, foodstore; Bovey, Minn.; 8-4-69 to 8-3-70.

Hen House Super Markets, foodstore; No. 1, Kansas City, Mo.; 8-18-69 to 1-31-70.

Jim's Super Valu, foodstore; Rockwell City, Iowa; 7-21-69 to 7-20-70.

Jordan Auto Co., Inc., auto dealer; Natchez, Miss.; 6-28-69 to 6-27-70.

Jr.'s J & J Cash Market, foodstore; Circle Drive, McKenzie, Tenn.; 8-6-69 to 8-5-70.

S. S. Kresge Co., variety-department stores from 8-11-69 to 8-10-70 except as otherwise indicated: No. 247, Hamden, Conn.; No. 4586, Alton, Ill. (7-25-69 to 7-24-70); No. 4561, Chicago, Ill. (7-21-69 to 7-20-70); No. 399, Worcester, Mass.; No. 582, Detroit Mich. (8-13-69 to 8-12-70); No. 659, Detroit, Mich. (7-24-69 to 7-23-70); No. 536, Holland, Mich. (8-20-69 to 8-19-70); No. 4590, Burlington, Vt.; No. 4618, Sheboygan, Wis. (8-1-69 to 7-31-70).

S. H. Kress and Co., variety-department store; 115 Dauphin Street, Mobile, Ala.; 8-3-69 to 8-2-70.

Leys Department Store, department stores from 7-29-69 to 7-28-70: East Mill Street, Plymouth, Wis.; 258 North Main Street, West Bend, Wis.

H. B. Magruder Memorial Hospital, hospital; Fulton Street, Port Clinton, Ohio; 8-7-69 to 8-6-70.

Harold Mangelsen and Sons, Inc., variety store; 3457 South 84th Street, Omaha, Nebr.; 7-31-69 to 7-30-70.

McCaskill Burke Tractor, Inc., farm equipment dealer; corner South Green and Jackson, Marianna, Fla; 7-17-69 to 7-16-70.

McCrory-McLellan-Green Stores, variety-department stores from 7-30-69 to 7-29-70 except as otherwise indicated: No. 239, Fort Smith, Ark. (8-3-69 to 8-2-70); No. 318, Hialeah, Fla. (8-17-69 to 8-16-70); No. 229, New Orleans, La. (8-3-69 to 8-2-70); No. 275, McComb, Miss. (8-3-69 to 8-2-70); No. 1032, Asbury Park, N.J.; No. 91, Burlington, N.J. (7-31-69 to 7-30-70); No. 168, Camden, N.J.; No. 1025, Elizabeth, N.J. (8-1-69 to 7-31-70); No. 1152, Irvington, N.J. (7-29-69 to 7-28-70); No. 272, Jersey City, N.J.; No. 1034, Manasquan, N.J.; Nos. 251 and 1085, Newark, N.J.; No. 240, Orange, N.J.; No. 131, Passaic, N.J. (8-1-69 to 7-31-70); No. 301, Union, N.J.; No. 404, Salisbury, N.C. (8-3-69 to 8-2-70); No. 134, Rock Hill, S.C. (8-6-69 to 8-2-70).

Morgan & Lindsey, Inc., variety-department stores from 8-3-69 to 8-2-70 except as otherwise indicated: No. 3090, Arabi, La.; No. 3083, Morgan City, La.; No. 3005, Natchitoches, La. (8-8-69 to 8-7-70); Nos. 3057 and 3068, New Orleans, La.; No. 3019, Ruston, La.; No. 3086, Sulphur, La.; No. 3050, West Monroe, La; No. 3085, Gulfport, Miss.; No. 3084, Hattiesburg, Miss.; No. 3051, Jackson, Miss.; No. 382, Laurel, Miss.

Morgan's Foodway Grocery and Pharmacy, foodstore; 1701 South Richay, Pasadena, Tex.; 7-21-69 to 7-20-70.

M. E. Moses Co., variety store; No. 14, Dallas, Tex.; 8-13-69 to 8-12-70.

G. C. Murphy Co., variety-department stores: No. 429, Wapakoneta, Ohio, 8-1-69 to 7-31-70; No. 34, Blairsville, Pa., 7-29-69 to 7-28-70.

J. J. Newberry Co., variety-department stores from 7-31-69 to 7-30-70: No. 104, Asbury Park, N.J.; No. 36, Dover, N.J.; No. 487, Red Bank, N.J.; No. 190, Springfield, N.J.

Northwood Deaconess Hospital and Home Association, hospital; Northwood, N. Dak.; 8-7-69 to 8-6-70.

Piggly Wiggly, foodstores from 8-12-69 to 8-11-70: No. 47, Allendale, S.C.; Hamlin, Tex.

Red Dot Super Market, foodstore; Ellijay, Ga.; 7-3-69 to 7-2-70.

Reed Drug Co., drug store; 201 South Main Street, Stillwater, Minn.; 7-21-69 to 7-20-70.

Rose's Stores, Inc., variety-department store; No. 10, Rockingham, N.C.; 8-19-69 to 8-18-70.

Roth's Department Store, department store; 100 East Third Street, Mount Vernon, Ind.; 8-28-69 to 8-27-70.

W. A. Rowe Floral Co., agriculture; Kirkwood, Mo.; 7-27-69 to 7-26-70.

Rozier Mercantile Co., department store; No. 2, East Ste. Maries Street, Perryville, Mo.; 8-16-69 to 8-15-70.

Scott Store, variety-department stores from 7-21-69 to 7-20-70 except as otherwise indicated: No. 92, Chicago, Ill. (8-27-69 to 8-26-70); No. 24, Danville, Ill. (6-27-69 to 6-26-70); No. 79, Sault Ste. Marie, Mich. (7-23-69 to 7-22-70); Nos. 13 and 14, Akron, Ohio; No. 86, Cleveland, Ohio.

Search Food Stores, Inc., foodstores from 8-25-69 to 8-24-70: South Side, Greenfield, Ill.; West Clay Street, Roodhouse, Ill.; Whitehall, Ill.

Smith's Quality Super Market, Inc., foodstore; 141 Manchester Street, Glen Rock, Pennsylvania; 8-8-69 to 8-7-70.

Sterling Stores Co., Inc., variety stores from 8-3-69 to 8-2-70 except as otherwise indicated: 106-110 North Market Street, Benton, Ark.; 130 West Main, Blytheville, Ark.; 109-111 North Vine, Harrison, Ark.; Capitol Avenue and Center Street, Little Rock, Ark.; 2627 Pike Avenue, North Little Rock, Ark.; 104 East Hale Street, Osceola, Ark.; 208-212 Main Street, Russellville, Ark.

Steve's Shoes, Inc., shoe store; 345 Blue Ridge Center, Kansas City, Mo.; 7-29-69 to 7-28-70.

T. G. & Y. Stores Co., variety-department stores: No. 34, Tulsa, Okla., 8-12-69 to 8-11-70; No. 113, Wichita Falls, Tex., 8-2-69 to 8-1-70.

Walker Shoe Store, shoe stores from 7-22-69 to 7-21-70: 608 Walnut, Des Moines, Iowa; 756 Main Street, Dubuque, Iowa; 112-116 East Fourth Street, Waterloo, Iowa.

Charlie Womack Garden & Nursery, agriculture; 1602 Cherokee Road, Florence, S.C.; 7-10-69 to 7-9-70.

F. W. Woolworth Co., variety-department store; No. 814, Jackson, Miss.; 8-16-69 to 8-15-70.

Wright's Super Market, foodstore; 824 Third Avenue, West Point, Ga.; 7-22-69 to 7-21-70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment of all employees.

A. J. Bayless Markets, Inc., foodstore; No. 57, Tucson, Ariz.; package clerk, service clerk; 20 to 23 percent; 8-1-69 to 7-31-70.

Bill's Clothes, Inc., apparel stores for the occupations of salesclerk, stock clerk, cashier, 10 percent, 7-29-69 to 7-28-70: 522 Richmond Mall, Richmond Heights, Ohio; 29900 Lakeshore Boulevard, Willowick, Ohio.

Brenny's Market, foodstore; 314 West Third Street, Carroll, Iowa; checker, carryout; 21 to 29 percent; 8-1-69 to 7-31-70.

Chi's Foodway Market, foodstores for the occupations of bagger, carryout, 12 to 22 percent, 7-16-69 to 7-14-70: No. 2, Bradenton, Fla.; 2923 Manatee Avenue, West, Bradenton, Fla.

Cooper's apparel store; 227 West Coal Avenue, Gallup, N. Mex.; salesclerk, stock clerk, office clerk, gift wrapper; 5 to 18 percent; 8-29-69 to 8-28-70.

Crest Stores Co., variety stores for the occupations of salesclerk, stock clerk, 10 to 45 percent, 7-14-69 to 7-13-70 except as otherwise indicated: South Forest Shopping Center, Asheville, N.C. (8-17-69 to 8-16-70); Smith Crossroads Shopping Center, Lenoir, N.C.; Town & Country Shopping Center, Lincolnton, N.C.; 519 12th Street, West Columbia, S.C. (8-1-69 to 7-31-70).

Dale Drugs Inc., drugstore; No. 3, Union Lake, Mich.; clerk, stock clerk; 25 to 45 percent; 8-4-69 to 8-3-70.

Duckwall Stores Co., variety-department store; No. 90, Pampa, Tex.; salesclerk, stock clerk; 22 to 48 percent; 8-8-69 to 8-7-70.

Edward's, Inc., variety store; Highway 17 South at 10th Street, Myrtle Beach, S.C.; salesclerk, stock clerk, checker, layaway clerk, pricing clerk, 10 to 15 percent; 8-13-69 to 8-12-70.

Fiser's AG Supermarket, foodstore; Main and Pine Streets, Sheridan, Ark.; stock clerk, carryout, sacker, checker, cleanup; 15 to 23 percent; 8-6-69 to 8-5-70.

Goldblatt Brothers, Inc., department store; 3057 West 159th Street, Markham, Ill.; salesclerk, stock clerk; 5 to 7 percent; 8-14-69 to 8-13-70.

W. T. Grant Co., variety-department stores: No. 956, Citrus Heights, Calif., salesclerk, stock clerk, 4 to 18 percent, 8-4-69 to 7-31-70; No. 143, Oxnard, Calif., salesclerk, 4 to 7 percent, 8-1-69 to 7-31-70; No. 1166, Silver Spring, Md., salesclerk, stock clerk, office clerk, cashier, 4 to 10 percent, 8-19-69 to 8-18-70.

H.E.B. Food Store, foodstores for the occupations of sacker, bottle clerk, package clerk, 10 percent: No. 119, Gatesville, Tex., 8-4-69 to 8-3-70; No. 86, Ingleside, Tex., 7-30-69 to 7-29-70; No. 114, McAllen, Tex., 7-25-69 to 7-24-70.

Hen House Super Markets, foodstores for the occupations of bagger, bottle clerk, carryout, janitorial, meat clerk, 10 to 36 percent, 8-18-69 to 1-31-70: No. 3, Harrisonville, Mo.; No. 2, Kansas City, Mo.

Johnson's Super Market, foodstore; No. 2, Mountain Home, Ark.; carryout, sacker, checker, cart clerk; 8 to 20 percent; 8-14-69 to 8-13-70.

S. S. Kresge Co., variety-department stores for the occupation of salesclerk except as otherwise indicated: No. 4046, Hot Springs, Ark., 2 to 19 percent, 8-3-69 to 8-2-70; No. 4127, Little Rock, Ark., 2 to 15 percent, 8-19-69 to 8-18-70; No. 4286, Jacksonville, Fla., 7 to 14 percent, 7-31-69 to 7-30-70 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service); No. 4140, Atlanta, Ga., 11 to 22 percent, 7-10-69 to 7-9-70; No. 4138, Sandy Springs, Ga., 4 to 10 percent, 7-7-69 to 7-6-70; No. 4079, Fort Wayne, Ind., 5 to 10 percent, 8-26-69 to 8-25-70 (salesclerk, stock clerk, checker-cashier, office clerk); No. 4192, Southfield, Mich., 10 percent, 8-14-69 to 8-13-70 (stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service); No. 4204, Warren, Mich., 10 percent, 7-28-69 to 7-27-70 (maintenance, stock clerk, salesclerk, checker-cashier, customer service, office clerk, display clerk); No. 578, Hazelwood, Mo., 17 to 30 percent, 7-28-69 to 7-27-70 (salesclerk, stock clerk, office clerk, maintenance, checker-cashier); No. 4280, Springfield, Mo., 1 to 10 percent, 7-21-69 to 7-20-70 (salesclerk, stock clerk, office clerk, checker-cashier); No. 4120, Lincoln, Nebr., 3 to 10 percent, 8-1-69 to 7-31-70 (salesclerk, checker-cashier, stock clerk, office clerk); No. 4182, Greensboro, N.C., 11 to 22 percent, 8-6-69 to 8-5-70 (salesclerk, checker-cashier); No. 199, Dayton, Ohio, 9 to 10 percent, 8-19-69 to 8-18-70 (salesclerk, checker-cashier, customer service, stock clerk, maintenance, food preparation); No. 686, Tiffin, Ohio, 10 percent, 8-23-69 to 8-22-70 (salesclerk, checker-cashier, customer service, stock clerk, maintenance); No. 4194, Wyoming, Ohio, 7 to 22 percent, 8-14-69 to 8-13-70 (salesclerk, stock clerk, office clerk, maintenance, checker-cashier, customer service); No. 4132, Arlington, Tex., 7 to 27 percent, 8-23-69 to 8-22-70; No. 4302, Galveston, Tex., 7 to 27 percent, 7-21-69 to 7-20-70; No. 782, Houston, Tex., 7 to 27 percent, 8-12-69 to 8-11-70; No. 4299, Houston, Tex., 7 to 27 percent, 8-4-69 to 8-3-70 (salesclerk, stock clerk, maintenance); No. 4133, Irving Tex., 7 to 27 percent, 8-19-69 to 8-18-70.

Learner Shops, apparel stores for the occupations of salesclerk, cashier, credit clerk: No. 266, Hammond, Ind., 6 to 23 percent, 8-18-69 to 8-17-70; No. 316, Wayne, N.J., 19 to 37 percent, 8-4-69 to 8-3-70; No. 315, Scranton, Pa., 2 to 15 percent, 8-19-69 to 8-18-70.

Magic Mart, Inc., department store; 1605 East Harding, Pine Bluff, Ark.; salesclerk, stock clerk, janitorial, 6 to 17 percent, 8-14-69 to 8-13-70.

McCrory-McLellan Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated, 8-1-69 to 7-30-70 except as otherwise indicated: No. 3501, Northport, Ala., 7 to 24 percent (8-20-69 to 8-19-70); No. 205, Waterbury, Conn., 7 to 28 percent (salesclerk, stock clerk, office clerk, porter); No. 256, Clearwater, Fla., 4 to 18 percent (salesclerk, office clerk, stock clerk, porter, 8-7-69 to 8-6-70); No. 172, Fort Walton Beach, Fla., 13 to 26 percent (8-8-69 to 8-7-70); No. 361, New Smyrna Beach, Fla., 4 to 17 percent (8-3-69 to 8-2-70); No. 7501, Orlando, Fla., 4 to 15 percent (8-3-69 to 8-2-70); No. 232, Wauchula, Fla., 10 to 30 percent (salesclerk, stock clerk, office clerk, porter); No. 247, Omaha, Nebr., 7 to 21 percent (salesclerk, stock clerk, office clerk, porter); No. 7506, Jersey City, N.J., 9 to 20 percent (7-30-69 to 7-29-70); No. 218, Perth Amboy, N.J., 19 to 37 percent.

Mini Mart Convenience Grocery, foodstore; Manhattan, Kans.; stock clerk, sacker, carryout, janitorial, maintenance; 10 to 25 percent; 8-8-69 to 8-7-70.

Morgan & Lindsey, Inc., variety-department store; No. 3046, Alexandria, La.; stock clerk, salesclerk; 6 to 31 percent; 8-16-69 to 8-15-70.

Morgan Floral Co., agriculture; Fort Morgan, Colo.; general agriculture nursery worker; 21 to 81 percent; 7-21-69 to 7-20-70.

M. E. Moses Co., variety store; No. 36, Hurst, Tex.; salesclerk, checker; 19 to 50 percent; 7-7-69 to 7-6-70.

G. C. Murphy Co., variety-department store; No. 305, Landover, Md.; salesclerk, office clerk, stock clerk, janitorial; 10 to 34 percent; 8-7-69 to 8-6-70.

Neisner Brothers, Inc., variety-department stores for the occupations of salesclerk, office clerk, stock clerk except as otherwise indicated, 10 to 29 percent except as otherwise indicated: No. 178, Apopka, Fla., 8-4-69 to 8-3-70; No. 87, Haines City, Fla., 7-29-69 to 7-28-70; No. 61, San Antonio, Tex., 8-1-69 to 7-31-70 (salesclerk, stock clerk, office clerk, maintenance, 12 to 33 percent).

J. J. Newberry Co., variety-department store; No. 563, Freehold, N.J.; salesclerk, office clerk, stock clerk, janitorial, window trimmer, marker; 9 to 17 percent; 7-31-69 to 7-30-70.

One Stop Pharmacy, Inc., drugstores for the occupations of clerk, stock clerk, 5 to 11 percent, 7-30-69 to 7-29-70: 3824 Auburn Street, Rockford, Ill.; 517 Marchesano Drive, Rockford, Ill.

Park-N-Save, foodstore; Monroe, Ohio; carryout, stock clerk, cleanup; 10 percent; 8-28-69 to 8-27-70.

Piggy Wiggly, foodstores for 10 percent except as otherwise indicated: 2-6 Cooper Street, Evergreen, Ala., bagger, carryout, 8-4-69 to 8-3-70 (9 to 10 percent); Batesville, Miss., bagger, carryout, stock clerk, butcher's helper, 7-28-69 to 7-27-70; No. 45, Hampton, S.C., package clerk, checker, market clerk, 8-12-69 to 8-11-70.

R-B North Side Clothing Stores, Inc., apparel store; 4131 North Harlem Avenue, Chicago, Ill.; stock clerk, will call clerk, wrapper; 8 to 10 percent; 8-8-69 to 8-7-70.

Raylass Department Store, department store; East Main Street, Walhalla, S.C.; salesclerk, stock clerk, office clerk, marker, cleanup; 8 to 42 percent; 7-28-69 to 7-27-70.

Reed Drug Co., drug stores for the occupations of salesclerk, stock clerk, cashier, delivery clerk, 38 to 40 percent, 7-21-69 to 7-20-70: 7810 Olson Highway, Minneapolis, Minn.; 505 South Lake Avenue, White Bear Lake, Minn.

Rose's Stores, Inc., variety department stores for the occupations of salesclerk, stock clerk except as otherwise indicated, 13 to 32 percent except as otherwise indicated, 8-14-69 to 8-13-70 except as otherwise indicated: No. 138, Anniston, Ala. (salesclerk, stock clerk, office clerk, checker); No. 163, Opelika, Ala. (salesclerk, stock clerk, checker, marker, window trimmer, order writer); No. 183, Henderson, N.C. (5 to 27 percent, 7-7-69 to 7-6-70); No. 184, Lexington, N.C. (13 to 28 percent, 7-14-69 to 7-13-70); No. 97, Lebanon, Tenn. (salesclerk, 3 to 16 percent, 7-28-69 to 7-27-70).

Schensul's Cafeteria, restaurant; West Main Street, Kalamazoo, Mich.; bus boy (girl), coffee girl (boy), counter helper, dishwasher, food preparer, short order cook; 49 to 77 percent; 8-18-69 to 8-17-70.

Scott Store, variety-department stores for the occupations of salesclerk, stock clerk, checker, 11 to 23 percent except as otherwise indicated, 7-21-69 to 7-20-70 except as otherwise indicated: No. 114, Farmington, Mich. (5 to 20 percent, 7-23-69 to 7-22-70); No. 69, Brainerd, Minn. (0.6 to 15 percent, 7-22-69 to 7-21-70); No. 11, Cincinnati, Ohio (10 to 26 percent); No. 920, Cuyahoga Falls, Ohio (8-15-69 to 8-14-70); No. 110, Reynoldsburg, Ohio.

Spies Super Valu, foodstore; Pierre, S. Dak.; checker, carryout, janitorial, wrapper, stock clerk; 18 to 24 percent; 8-19-69 to 8-18-70.

Stamper Brothers Super Market, foodstore; Olive Hill, Ky.; carryout, stock clerk; 14 to 25 percent; 7-25-69 to 7-24-70.

Sterling Stores Co., variety store; Fayetteville, Ark.; salesclerk, stock clerk, janitorial; 17 to 40 percent; 8-13-69 to 8-12-70.

Super Duper Food, foodstores for the occupations of stock clerk, sacker, 6 to 10 percent, 8-8-69 to 8-7-70: 3661 North Sixth Street, Abilene, Tex.; 2665 Buffalo Gap Road, Abilene, Tex.

Swiss Village, Inc., nursing home; Berne, Ind.; nurses' aide, kitchen aide, dining room aide; 13 to 23 percent; 8-20-69 to 8-19-70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated, 20 to 30 percent except as otherwise

indicated, 8–12–69 to 8–11–70 except as otherwise indicated: No. 556, El Cajon, Calif.; Nos. 523 and 561, Riverside, Calif.; No. 1701, Lake City, S.C. (salesclerk, stock clerk, 18 to 30 percent); No. 804, Odessa, Tex. (7 to 21 percent, 8–14–69 to 8–13–70).

Walker Shoe Store, shoe store; 516 Fourth Street, Sioux City, Iowa; stock clerk; 8 to 16 percent; 7–22–69 to 7–21–70.

Each certificate has been issued upon the representations of the employer which, among other things, were the employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 15th day of October 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–12642; Filed, Oct. 22, 1969; 8:46 a.m.]

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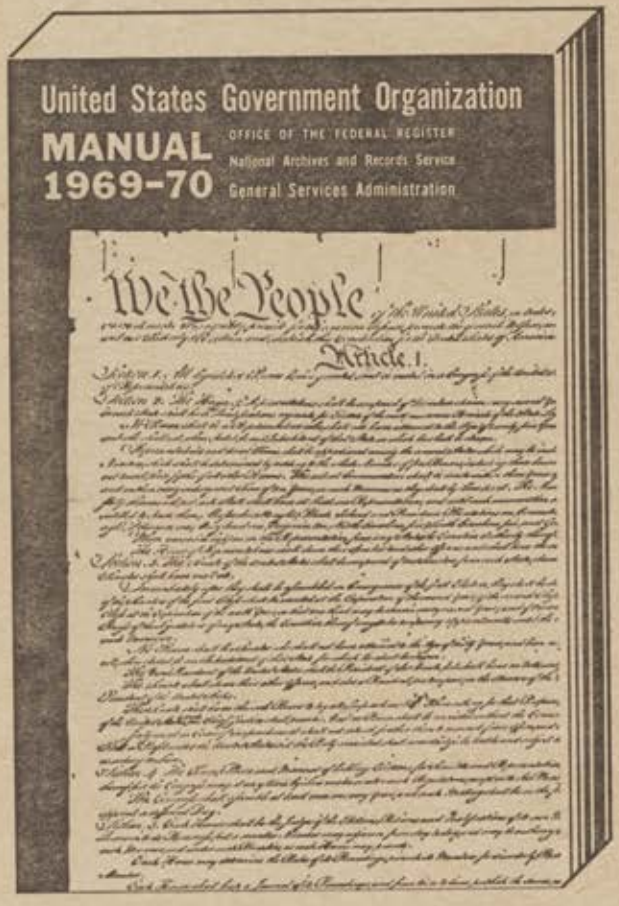

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