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Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

[File No. CO 845-P]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Subparagraph (5) of paragraph (b) of § 212.8 is amended to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(b) *Aliens not required to obtain labor certifications.* The following persons are not considered to be within the purview of section 212(a)(14) of the Act and do not require a labor certification: * * * (5) an alien who establishes satisfactorily that he has been accepted by an institution of learning in the United States, that he will be pursuing a full course of study in the United States for at least two full consecutive academic years, and that he has sufficient financial resources to support himself and will not seek employment during that period. If it will be necessary for the spouse of such a student to accept employment in the United States, the spouse must obtain a labor certification notwithstanding the provisions of subparagraph (2) of this paragraph.

PART 214—NONIMMIGRANT CLASSES

§ 214.1 [Amended]

1. The second and third sentences of paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* are amended to read as follows: "A nonimmigrant other than one in the classes defined in section 101(a)(15) (A) (i) or (ii) or (G) (i), (ii), (iii), or (iv) of the Act (members of which classes are not required to obtain extensions of stay if they continue to be so recognized by the Secretary of State as members of such classes); section 101(a)(15) (C) or (D) of the Act (members of which classes are ineligible for extensions of stay), or section 101(a)(15) (F) or (J) of the Act, and whose period of admission has not expired, shall apply on Form I-539 and may be granted or denied, without appeal, an extension of his period of temporary admission by an officer in charge of a suboffice or a district director. A separate application must be executed and submitted for each alien seeking an extension of temporary stay; however, regardless of whether they accompanied the applicant to the United States, the minor, unmarried children of any applicant may be included in the application of the principal applicant and may be granted the same extension without fee."

§ 214.2 [Amended]

2. The last sentence of subparagraph (1) *General* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is deleted and the following two sentences are inserted in lieu thereof: "A student shall not be eligible to transfer to another school unless he submits a valid Form I-20 completed by that school and the Service grants him permission to transfer. Application for transfer shall be made on Form I-538 and shall be filed in the Service office having jurisdiction over the school which he was last authorized by the Service to attend."

3. The second sentence of subparagraph (2) *Extension* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is deleted and the following two sentences are inserted in lieu thereof: "Application for extension of stay shall be made on Form I-538. A student who desires an extension of stay for his spouse and children in a classification under section 101(a)(15)(F)(ii) of the Act may include them in his application."

4. Subparagraph (3) of paragraph (f) of § 214.2 is amended and a new subparagraph (4) is added to read as follows:

(3) *Employment.* An application by a student for permission to accept or continue employment shall be filed on Form I-538. If a student requests permission to accept part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to entry, or subsequent to change to student classification, and an authorized school official must certify that part-time employment will not interfere with the student's ability to carry successfully a full course of study. Permission to accept or continue employment because of economic necessity may be granted in increments of not more than 12 months each. If a student requests permission to accept or continue employment in order to obtain practical training, an authorized school official must certify that the employment is recommended for that purpose and will provide the student with practical training in his field of study and, upon information and belief, would not be available to the student in the country of his foreign residence. Permission to accept or continue temporary employment to obtain practical training may be granted in increments of not more than 6 months each for a maximum of not more than 18 months in the aggregate. The application for the first period of practical training shall be submitted to the office of the Service having jurisdiction over the school recommending practical training. Subsequent applications to continue practical training must contain the recommendation of that school and may be submitted to the office of the Service having jurisdiction over the actual place of training. A student enrolled in a college or university having alternative work-study courses as a part of its regular prescribed curriculum may participate in such courses without obtaining a change of status and without filing an application for permission to accept employment; however, such periods of actual employment shall be considered as practical training. A student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period if he presents Form I-20 endorsed by his school to indicate the date to which such training was authorized by the district director. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a U.S. citizen resident, does not require Service permission to engage in such employment. Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of his authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed.

(4) *Decision on application for extension, permission to transfer to another school, or permission to accept or continue employment.* The applicant shall be notified of the decision and, if the application is denied, of the reason therefor. No appeal shall lie from the decision.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3

Aliens in immediate and continuous transit is amended by adding the following transportation lines in alphabetical sequence: "Aeroflot-Soviet Airlines" and "China Airlines, Ltd."

§ 238.4 [Amended]

The listings of transportation lines in § 238.4 *Preinspection outside the United States* are amended as follows:

1. Under "At Montreal" the transportation line "Quebecair" is added in alphabetical sequence.

2. Under "At Vancouver" the transportation line "Universal Airlines, Inc." is added in alphabetical sequence.

3. Under "At Toronto" the transportation line "Quebecair" is added in alphabetical sequence.

4. Under "At Winnipeg" the transportation line "Trans Air Limited" is added in alphabetical sequence.

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.4 [Amended]

Section 316a.4 *International Organizations Immunities Act designations* is amended by adding the following public international organization in alphabetical sequence: "United International Bureaux for the Protection of Intellectual Property (BIRPI) (E.O. 11484, Sept. 29, 1969)."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Except with respect to the amendments to §§ 214.1 and 214.2, which shall become effective on January 1, 1970, the other amendments in this order shall be effective on the date of their publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 212.8 is clarifying in nature; the amendments to §§ 214.1 and 214.2 confer benefits upon persons affected thereby; and the amendments to §§ 238.3, 238.4, and 316a.4 add transportation lines and a public international organization to the listings.

Dated: November 4, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-13320; Filed, Nov. 7, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENT OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rate of Interest on Time and Savings Deposits

1. Effective November 5, 1969, § 329.3 (g) is amended to read as follows:

(g) *Time deposits of foreign governmental entities and international organizations.* Section 329.6 does not apply to the rate of interest that may be paid by an insured nonmember bank on a time deposit having a maturity of 2 years or less and representing funds deposited and owned by (1) a foreign government, or an agency or instrumentality thereof engaged principally in activities which are ordinarily performed in the United States by governmental entities, (2) an international entity of which the United States is a member, or (3) any other foreign, international or supranational entity specifically designated by the Board of Directors as exempt from § 329.6. All certificates of deposit issued by insured nonmember banks to such entities on which the contract rate of interest exceeds the maximum prescribed under § 329.6 shall provide that (i) in the event of transfer, the date of transfer, attested to in writing by the transferor, shall appear on the certificate, and (ii) the maximum rate limitations of § 329.6 in effect on the date of issuance of the certificate shall apply to the certificate for any period during which it is held by a person other than an entity exempt from § 329.6 under the foregoing sentence.[11] Upon the presentment of such a certificate for payment, the bank may pay the holder the contract rate of interest on the deposit for the time that the certificate was actually owned by an entity so exempt.

2. The present footnote 11 at the end of § 329.3(f) is redesignated as footnote 10.

3a. The purposes of this amendment are (1) to expand the categories of organizations on whose time deposits insured nonmember banks may pay rates of interest in excess of those permitted by § 329.6, and (2) to provide an alternative method by which an exempt organization may transfer a certificate of deposit to a nonexempt holder. Formerly, a time deposit of a foreign government, a monetary or financial authority of a foreign government when acting as such, or an international financial institution of which the United States is a member was exempt from the interest rate limitations of § 329.6. A broadening of the categories of exempt organizations is consistent with the purposes of § 329.3 (g)—to encourage the maintenance of foreign governmental time deposits in American banks. An alternative method of transferring to a nonexempt holder a certificate of deposit issued to an exempt organization is included in footnote 11. The alternative method provides the same safeguards as the method heretofore prescribed by § 329.3(g).

b. The procedures of 5 U.S.C. § 553(b) and of 12 CFR 302.1–302.5, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. The alternative method of transfer is procedural in nature and involves no substantive change. The revision of the categories of exempt organizations is a liberalization resulting in the relaxation of their restrictive nature. In these circumstances, the Board of Directors found such procedures to be unnecessary and contrary to the public interest.

(Sec. 9, 18(g), 64 Stat. 881–82, 80 Stat. 824; 12 U.S.C. 1819, 1828(g))

Dated at Washington, D.C., this 5th day of November 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-13353; Filed, Nov. 7, 1969; 8:48 a.m.]

[11] A new certificate not maturing prior to the maturity date of the original certificate may be issued by the insured nonmember bank to the transferee, in which event the original must be retained by the bank. The new certificate may not provide for interest after the date of transfer at a rate in excess of the applicable maximum rate authorized by § 329.6 as of the date of issuance of the original certificate.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9899; Amdt. 672]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 69-12370 appearing at page 17233 in the issue of Friday, October 24, 1969, the third entry under the heading "Via" at the top of page 17239 should be changed to read "10 mile Arc AKN, R 280° lead radial."

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Package Containing Single Consumer Commodity

Section 503.4 (34 F.R. 8351) was published May 30, 1969, to clarify the requirement for declaration of net quantity in terms of count for the purpose of §§ 500.6 and 500.7 of the regulations in Part 500. To illustrate § 503.4, examples were cited which identified certain commodities which are now excluded from

"consumer commodity" status as that term was interpreted on August 9, 1969, in § 503.5 (34 F.R. 12944). For the purpose of consistency, and to prevent possible misunderstanding, the need to amend § 503.4 by deleting the commodity examples used and replacing them with commodities which are "consumer commodities", is recognized.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 80 Stat. 1297, 1298; 15 U.S.C. 1453, 1455) § 503.4 is revised to read as follows:

§ 503.4 Net quantity of contents, numerical count.

To clarify the requirement for declaration of net quantity in terms of count for the purpose of §§ 500.6 and 500.7 of the regulations in Part 500 of this subchapter, the following interpretation is rendered.

(a) When a consumer commodity is properly measured in terms of count only, or in terms of count and weight, volume, area, or dimension, the regulations are interpreted not to require the declaration of the net content as "one", provided the statement of identity clearly expresses the fact that only one unit is contained in the package. Thus the unit synthetic sponge, the unit light bulb, and the unit dry cell battery do not require a net quantity statement of "one sponge," "one light bulb," or "one dry cell battery." However, there still exists the necessity to provide a net quantity statement to specify weight, volume, area, or dimensions when such are required. For example, the synthetic sponge which is packaged, requires dimensions such as "5 in. x 3 in. x 1 in." A multicomponent package or a package containing two or more units of the same commodity shall bear the net quantity statement in terms of count, and weight, volume, area, or dimensions as required. This interpretation does not preclude the option to enumerate a unit count on a single packaged commodity if so desired.

Issued: November 5, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-13326; Filed, Nov. 7, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin-Sulfonamide Combination Products for Oral Administration; Postponement of Effective Date of Order and Extension of Time for Submitting Data

Drugs for human use, drug efficacy study implementation.

An order was published in the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14890), to become effective in 40 days, amending Part 148e of the antibiotic drug regulations to repeal provisions for certification of combination drugs containing erythromycin and triple sulfonamides for oral administration. Thirty days were provided for filing proper objections to the order and requests for a hearing.

The Commissioner of Food and Drugs has received objections and a request for an extension of the effective date to allow time for the submission of additional data.

Good reason therefor appearing, the effective date of the order is hereby postponed, and an additional 30 days from November 6, 1969, will be allowed for the submission of pertinent data. The order shall become effective January 5, 1970, unless stayed by the Commissioner upon the filing of substantial evidence of the effectiveness of the drugs, consisting of adequate and well-controlled studies, or by the filing of legally adequate objections.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357, 21 CFR 2.120)

Dated: November 4, 1969.

HERBERT L. LEY, Jr., *Commissioner of Food and Drugs.*

[F.R. Doc. 69-13330; Filed, Nov. 7, 1969; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—IRRIGATION PROJECTS: OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Tribal and Trust Patent Indian Lands of the San Carlos Irrigation Project, Ariz.; Basic Charges

On page 15361 of the FEDERAL REGISTER of October 2, 1969, there was published a notice of intention to modify § 221.110 of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against tribal lands and trust patent Indian lands of the San Carlos Irrigation Project, Ariz.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, nor objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

The revised section will read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the Act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the Acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the Act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U.S.C. 387), and the Act of August 9, 1937 (50 Stat. 577), as amended by the Act of May 9, 1938 (52 Stat. 291-305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Ariz., and the basic rate assessed for the calendar year 1970 and the subsequent years unless changed by further order, is hereby fixed at $8.50. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for the 50,000 acres of Indian land will be payable as provided in § 222.111 to § 221.116, inclusive.

GEORGE W. HEDDEN, *Assistant Area Director.*

[F.R. Doc. 69-13324; Filed, Nov. 7, 1969; 8:45 a.m.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Colorado River Indian Irrigation Project, Ariz.; Charges

On page 15360 of the FEDERAL REGISTER of October 2, 1969, there was published a notice of intention to amend § 221.6 of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against lands of the Colorado River Indian Irrigation Project, Ariz.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, nor objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.6 is amended to read as follows:

§ 221.6 Charges.

Pursuant to the provisions of the Acts of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385-387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed at $11 per irrigable acre, whether water is used or not. Payment of this charge will entitle the water user to, but not in excess of, 8 acre-feet of water per acre per annum on certain sandy areas as described in a schedule on file at the Colorado River Indian Agency, and available for inspection by interested parties, and to 5 acre-feet of water per annum per irrigable acre on all other lands. With

the approval of the Superintendent, additional water, reasonably sufficient to carry away alkali salts, may be allowed on certain alkali tracts at no additional charge for the purpose of reclaiming lands by the usual methods, such as flooding and leaching. The foregoing charges and allotments of water shall become effective for the calendar year 1970 and continue in effect thereafter, until further notice.

GEORGE W. HEDDEN,
Assistant Area Director.

[F.R. Doc. 69-13325; Filed, Nov. 7, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-114]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

MANHASSET BAY AT KINGS POINT, NEW YORK

1. The Commander, 3d Coast Guard District, New York, N.Y., by letter dated September 23, 1969, requested the establishment of a special anchorage area in Manhasset Bay, Western Long Island, in the vicinity of Kings Point, N.Y. A public notice dated July 17, 1969, was issued by Commander, 3d Coast Guard District, New York, N.Y., describing the proposed anchorage. All known interested parties were notified and requested to comment on the proposal. No objections were received. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to establish a special anchorage area in Manhasset Bay, Western Long Island, in the vicinity of Kings Point, N.Y., as described below, is granted, subject to the right to change the requirements and to amend the regulation if and when necessary in the public interest. In this special anchorage area vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

2. In Part 110, Subpart A is amended by adding a new § 110.60(i-1), following § 110.60(i), reading as follows:

§ 110.60 Port of New York and vicinity.

* * * * *

(i-1) *Manhasset Bay, at Kings Point.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155 (a)(6)) bounded as follows: Beginning at a point on the shoreline at latitude 40°49'24.4", longitude 73°43'41.5"; thence to a point at latitude 40°49'32.5", longitude 73°43'30.1"; thence to a point at latitude 40°49'42.9", longitude 73°43'55.2"; thence to a point on the shoreline at latitude 40°49'39", longitude 73°43'59"; thence along the shoreline to the point of beginning.

* * * * *

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180; 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

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

Dated: November 3, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-13367; Filed, Nov. 7, 1969; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 67—POSTAL SERVICE

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 67 of Title 35 of the Code of Federal Regulations is amended as follows:

1. Subparagraph (5) of paragraph (a) of § 67.701 is amended to read as follows:

§ 67.701 Domestic and domestic-international money orders.

(a) *Procedure for issuance.* * * *

(5) The issuing employee's initials shall be inserted in the space provided and a clear impression of the office dating stamp shall be placed on the order, purchaser's receipt, post office record stub, and accounting copy.

* * * * *

2. The third sentence of paragraph (b) of § 67.702 is amended to read as follows:

§ 67.702 International money orders.

* * * * *

(b) * * * The post office record stub of the domestic money order shall be endorsed on the back "Int. M.O.—Postmaster, Washington, D.C.," and placed in proper sequence with other stubs. * * *

3. The first sentence of subparagraph (1) of paragraph (b) of § 67.703 is amended to read as follows:

§ 67.703 Spoiled or not issued money order forms.

* * * * *

(b) * * *

(1) Stamp or write boldly "Not Issued" or "Spoiled" across the face of the money order, purchaser's receipt, and post office record stub, and cross out the amount. * * *

* * * * *

4. Subparagraph (1) of paragraph (g) of § 67.722 is amended to read as follows:

§ 67.722 General procedures for payment of money orders.

* * * * *

(g) * * *

(1) *Initial procedure.* When a money order more than 60 days old is presented at the issuing office for payment or repayment, the paying clerk shall examine the related money order post office record stub to ascertain whether an application for duplicate has been certified and forwarded to the Director of Posts.

* * * * *

5. Subparagraph (1) of paragraph (b) of § 67.723 is amended to read as follows:

§ 67.723 Payment of invalid Canal Zone and United States money orders.

* * * * *

(b) *Payment of stale Canal Zone money order*—(1) *Procedure.* In order to obtain payment of the amount of an original or duplicate money order which remains unpaid after the lapse of one year from the last day of the month of issue of the original, the holder shall present such original or duplicate order to the Postmaster at any office, who shall complete Form 1250-Rev., attach the order thereto, and forward it to the Director of Posts. If the request is made by the issuing Postmaster, he shall make appropriate endorsement on the post office record stub of the original money order. If made by a Postmaster at a post office other than the issuing office, the Director of Posts will send Form 1250-Rev. to the issuing Postmaster who shall make appropriate endorsement on the post office record stub, complete the "Certificate of Issuing Postmaster" and return the form to the Director of Posts. If the Director of Posts is satisfied that the order has not been paid or repaid and that the applicant is entitled thereto, the money order submitted will be returned to the Postmaster making the request with authorization for payment.

* * * * *

6. Paragraph (b) of § 67.761 is amended to read as follows:

§ 67.761 Time limitations.

* * * * *

(b) An application may be accepted, certified, and forwarded at once, if the mutilated order accompanies the application or the original money order has been inadvertently destroyed and the person in whose favor the application is made executes a good and sufficient bond of indemnity in a penal sum not less than the amount of the order, conditioned upon the refund of the amount paid on the duplicate in the event that, after payment thereof, any other person establishes a valid claim to the original order, or in case the original order has been paid to the rightful owner.

* * * * *

7. Section 67.762 is amended as follows: Paragraphs (a) and (d) are revised and new paragraph (e) is added. As amended § 67.762 reads as follows:

§ 67.762 Acceptance of application for duplicate money order.

(a) An application for duplicate money order may be accepted at any post office or branch on Form No. 1266, for a money order issued by the Canal Zone Postal Service, or on Form No. 6401, for a money order issued by the U.S. Postal Service.

* * * * *

(d) Application for a duplicate of a Canal Zone money order (Form 1266) shall be sent to the Postmaster having

custody of corresponding post office record stub for certification and transmittal to Director of Posts in accordance with § 67.763.

(e) Application for duplicate of a U.S. money order (Form 6401) shall be completed in accordance with 39 CFR and forwarded to the U.S. Postal Service address preprinted on the front of Form 6401.

8. Section 67.763 is revised to read as follows:

§ 67.763 Certification and forwarding of application for duplicate money order.

(a) In certifying an application for a duplicate money order, the particulars thereon (number, amount, date of issue) shall be compared with those on the post office record stub to see that all are entered correctly.

(b) When an application for a duplicate is certified, the post office record stub shall be endorsed: "Duplicate applied for in favor of _____ _____ (remitter, payee, endorsee, as the case may be), _____ 19__".

(c) Upon certification of an application for duplicate money order (Form 1266) and the endorsement of the corresponding post office record stub, a dummy post office record stub shall be prepared and inserted in post office files in place of the post office record stub. The particulars noted in paragraph (a) of this section will be entered on the front of the dummy post office record stub, and endorsement noted in paragraph (b) of this section will be entered and completed on the back of the dummy post office record stub.

(d) Upon certification, each Form 1266, "Application for Duplicate" (including those accompanied by bond of indemnity or by a mutilated, defaced or illegally endorsed money order) shall be forwarded to the Director of Posts accompanied by the corresponding post office record stub.

9. Paragraph (a) of § 67.765 is revoked.

(2 C.Z.C. §§ 1131–1133, 76A Stat. 38–39)

Dated: October 17, 1969.

[SEAL] W. P. LEBER,
Governor.

[F.R. Doc. 69-13346; Filed, Nov. 7, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 12]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

COUNTY AND FARM ALLOTMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.) to modify the procedure for establishing farm allotments for 1970 in the light of the 1970 national allotment of 17 million acres compared to the 1969 national allotment of 16 million acres. Included in this amendment are the following:

1. The limit on the computed county allotment in § 722.408(a) is raised from 110 percent to 116 percent of the county total of farm preliminary allotments determined under § 722.409(a). Acreage regained due to the limitation shall be apportioned to the remaining counties on the basis of a second factor and any remainder shall be added to the State reserve as a set-aside.

2. Section 722.409(a) is amended to provide that the preliminary allotment initially used shall be the preceding year's allotment without reduction for minimum buildup.

3. Section 722.410(a) is amended to require use of a preliminary allotment reduced for minimum buildup in cases where the factored allotment otherwise would cause the farm to lose eligibility as a small farm under the upland cotton program.

Since the State and county committees and farmers need to know the provisions of this amendment as soon as possible in connection with the establishment of 1970 farm allotments, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the FEDERAL REGISTER.

The subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, 19823, 34 F.R. 924, 2351, 3733, 5099, 7231, 12325) is amended as follows:

1. Paragraph (a) of § 722.408 is revised to read as follows:

§ 722.408 Apportionment of State allotment and State's share of national reserve among counties and establishment of county reserve.

(a) *Apportionment of State allotment.* The State allotment less (1) the allotment attributable to history pooled as a result of productivity adjustments under § 722.429(c), and (2) the State reserve for the current year, shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in the 5 base years with adjustments in such acreage for failing to seed cotton because of abnormal weather conditions. Such adjustments shall be made in the manner provided in § 722.405(a). Notwithstanding the foregoing, no county shall receive a computed county allotment in excess of 116 percent of the county total of farm preliminary allotments determined under § 722.409(a). Acreage regained due to this limitation shall be apportioned to the remaining counties in the State on the basis of a second factor. Acreage not allocated on the basis of such second factor shall be added to the State reserve as a set-aside. The acreage apportioned under this paragraph shall be the computed county allotment.

* * * * *

2. The second sentence up to the colon of paragraph (a) of § 722.409 is revised to read as follows:

§ 722.409 Establishment of preliminary allotments.

(a) *Preliminary allotment is preceeding year's allotment.* * * * The preliminary allotment shall be the preceding year's allotment after any permanent adjustment to or from the farm for the year preceding the current year in the following cases:

* * * * *

3. Paragraph (a) of § 722.410 is amended by adding the following language at the end thereof:

§ 722.410 Establishment of farm allotments.

(a) *Factored allotments for old cotton farms in all counties.* * * * Notwithstanding the foregoing provisions of this paragraph and § 722.409, if the preliminary allotment for the farm was established under § 722.409(a) and the factored allotment so determined causes the farm to lose its status as a "small farm" (i.e., farm on which the farm allotment is 10 acres or less, or on which the projected farm yield times the farm allotment is 3,600 pounds or less, and the farm allotment has not been reduced by release under § 722.412) for purposes of the 1970 Upland Cotton Program, the preliminary allotment for this purpose for such farm shall be the preceding year's allotment prior to any increase for minimum allotment but after any permanent adjustment to or from the farm for the year preceding the current year: *Provided*, That if the factored allotment so determined also causes the farm to lose its status as a "small farm", the factored allotment shall be the larger of the two calculated for the farm.

* * * * *

(Secs. 344, 375; 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C. on November 4, 1969.

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

[F.R. Doc. 69-13369; Filed, Nov. 7, 1969; 8:49 a.m.]

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

[Tangerine Reg. 37, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order

No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida tangerine crop and the current and prospective market conditions. More restrictive regulation requirements should be made effective no later than November 10, 1969, because maturity of the tangerines is such that larger amounts are available, hence, a higher minimum grade regulation for Florida tangerines for fresh shipment is needed to (1) maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable tangerines to fresh market outlets, and (2) provide consumers with Florida tangerines of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 10, 1969. Domestic shipments of Florida tangerines are currently regulated pursuant to Tangerine Regulation 37 (34 F.R. 14379) and determinations as to the need for, and extent of, continued regulation of domestic shipments of tangerines must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such tangerine shipments subsequent to November 10, 1969, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 6, 1969, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(a) *Order.* In § 905.515 (Tangerine Reg. 37, 34 F.R. 14379) the provisions of paragraph (a)(1)(i) are amended to read as follows:

§ 905.515 Tangerine Regulation 37.

(a) * * *

(1) * * *

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

* * * * *

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

Dated, November 7, 1969, to become effective November 10, 1969.

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

[F.R. Doc. 69-13429; Filed, Nov. 7, 1969; 11:22 a.m.]

[966.307]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments Regulation

Notice of rule making with respect to a proposed limitation of shipments, to be effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966) regulating the handling of tomatoes grown in the production area, was published in the October 16, 1969, FEDERAL REGISTER (34 F.R. 16547). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Interested persons were allowed 15 days for filing data, views and arguments pertaining thereto. Within the period specified, comments were filed in support of the regulation by John C. Lynn, executive vice president, Florida Farm Bureau Federation, Gainesville, Fla.

Statement of consideration. The notice was based on recommendations and information submitted by the Florida Tomato Committee, established pursuant to the said marketing agreement and order, and other available information. The committee's recommendations reflect its appraisal of the composition of the 1969–70 crop of Florida tomatoes and of the marketing prospects for this season. The grade, size and quality requirements are necessary to prevent tomatoes of poor quality and undesirable sizes from being distributed in fresh market channels. The standardization of weights, containers and size classifications is needed in the interest of orderly marketing so as to improve net returns to producers. The provisions with respect to special pack and special purpose shipments are designed to meet the different requirements for such shipments.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice and other available informaiton, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 fall crop tomatoes grown in the production area will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) compliance with this regulation will not require any special preparation by handlers which cannot be completed by the effective date; (4) reasonable time is permitted under the circumstances for such preparation; and (5) notice of the proposed regulation, including a November 15, 1969, effective date, has been given to producers and handlers in the production area and by publication in the FEDERAL REGISTER of October 16, 1969.

§ 966.307 Limitation of shipments.

During the period from November 15, 1969, through July 31, 1970, the following regulation shall be effective with respect to all varieties of tomatoes handled for shipment outside the regulation area as defined in § 966.4, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; cerasiform type tomatoes, commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(a) *Grade.* No person shall handle any lot of tomatoes for shipment outside the regulation area unless they are U.S. No. 3, or better grade.

(b) *Size.* No person shall handle any lot of tomatoes for shipment outside of the regulation area unless they are over $2\frac{1}{32}$ inches in diameter: *Provided,* That not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(c) *Size classifications.* (1) No person shall handle any lot of tomatoes for shipment outside the regulation area unless they are packed in one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the United States Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
7 x 7	Over $2\frac{1}{32}$ to $2\frac{9}{32}$, inclusive.
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive.
6 x 6	Over $2\frac{17}{32}$ to $2\frac{9}{32}$, inclusive.
5 x 6	Over $2\frac{9}{32}$.

(2) Tomatoes shall be packed separately for each designated size range except that size 6 x 6 and larger may be commingled.

(3) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(d) *Containers.* (1) No person shall handle any lot of tomatoes for shipment outside the regulation area unless they are packed in one of the following container sizes and the net weights of the tomatoes contained therein are within the specified weight tolerances:

Container weight (pounds)	Minimum weight (pounds)	Maximum weight (pounds)
8	8	9½
20	20	21½
30	30	31½
40	40	41½
60	60	62

(2) To allow for variations incident to proper packing, not more than a total of ten (10) percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight specified for each such container.

(3) No person shall handle tomatoes in 8-pound containers after December 31, 1969.

(e) *Inspection.* No person shall handle any lot of tomatoes for shipment outside the regulation area unless such tomatoes are inspected and certified pursuant to the provisions of § 966.60.

(f) *Truck shipments.* For purposes of these regulations, the rule, § 966.140, relating to truck shipments of tomatoes grown in the Florida production area, shall continue in effect.

(g) *Minimum quantity.* For purposes of these regulations, each person subject thereto may handle, pursuant to § 966.53, up to, but not to exceed, 60 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(h) *Special pack requirements.* The tomato size classifications of paragraph (c) of this section and the container weight requirements of paragraph (d) of this section shall not be applicable to tomatoes packed in cupped trays, or when in containers customarily packed for the retail trade, if such tomatoes are handled in accordance with the reporting requirements of paragraph (i) of this section.

(i) *Reporting requirements.* Each handler making shipments of tomatoes pursuant to this section shall report to the committee on forms furnished by the committee such information on the shipments as may be required by the committee pursuant to § 966.80. Such reports shall be made within 10 days after shipment.

(j) *Special purpose shipments.* The requirements of paragraphs (a), (b), (c), (d), and (e) of this section shall not be applicable to shipments of tomatoes for processing into pickles, for canning, for relief or charity, or for export: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (k) of this section.

(k) *Safeguards.* Each handler making shipments of tomatoes for processing into pickles, for canning, for relief or charity, or for export in accordance with paragraph (j) of this section shall:

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

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

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

(4) Forward one copy of such report to the committee office, and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within 10 days after shipment, or after receipt of export shipment, shall be cause for cancellation of such handler's certificate and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate the handler may appeal to the committee for reconsideration.

(l) *Definitions.* "Hydroponic Tomatoes" means tomatoes grown in solution without soil. "Greenhouse Tomatoes" means tomatoes grown indoors. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part.

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

Dated November 5, 1969, to become effective November 15, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13386; Filed, Nov. 7, 1969; 8:49 a.m.]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of fresh tomatoes into the United States to be made effective under section 8e-1 of the Agricultural Marketing Agreement Act, as amended (7 U.S.C. 608e-1) was published in the October 16, 1969 FEDERAL REGISTER (34 F.R. 16548). The notice afforded interested persons an opportunity to file written data, views, or arguments in regard thereto not later than October 31, 1969. Comments were filed by three interested parties. One of the comments favored the regulation and another opposed the size requirement but favored a tighter grade requirement. The other comment questioned the need for a finding concerning parity, the current market price of tomatoes, and its relation to parity. These matters are not specified as prerequisites in Section 8e-1 of the Act with respect to import prohibitions, but rather the Act requires that importation of tomatoes shall be prohibited unless they comply with the grade, size, quality, and maturity regulations applicable to domestic shipments under a Federal Marketing Order. All prerequisites for the issuance of the domestic regulation have been complied with.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the written comments, and other available information, it is hereby found that the proposal as published in the notice should be made effective as hereinafter set forth, and the grade, size, quality, and maturity requirements applicable to tomato imports are the same as those being made applicable under Marketing Order No. 966, as amended (7 CFR Part 966), to shipments of tomatoes grown in the Florida production area. This regulation is subject to amendment with reasonable notice as the domestic regulation is changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e-1 of the Act; (2) all known tomato importers were notified of proposed requirements upon issuance of the proposed regulation; (3) notice of the proposed regulation was published in the October 16, 1969, FEDERAL REGISTER (34 F.R. 16548); (4) in fixing the effective date hereof due consideration was given to the time required for the transportation and entry into the United States after picking of imported tomatoes; and (5) such notice is in excess of 3 days, the minimum required by the Act, and is determined to be reasonable.

§ 980.204 Tomato import regulation.

Except as otherwise provided, during the period November 15, 1969, through July 31, 1970, no person may import fresh tomatoes, except pear shaped tomatoes, cherry tomatoes, hydroponic tomatoes, and greenhouse tomatoes, as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Grade requirement.* Imports shall be limited to tomatoes which are U.S. No. 3 grade or better.

(b) *Size requirement.*—(1) *Size.* Imports shall be limited to tomatoes which are larger than $2\frac{2}{32}$ inches in diameter.

(2) *Tolerance for size.* Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(c) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the U.S. import requirements for tomatoes under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by accertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, Tex. 78767 (Phone—512–385–5385).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602–287–2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213–622–8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941–3071).	1 day.
New York City.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212–991–7669 and 7668).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504–527–6741 and 6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202–388–5870).	3 days.

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Importation" means release from custody of the U.S. Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top, and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. Measurement of the diameter of tomatoes shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

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

Dated November 5, 1969, to become effective November 15, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13387; Filed, Nov. 7, 1969; 8:49 a.m.]

[Lemon Reg. 399]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.699 Lemon Regulation 399.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 9, 1969, through November 15, 1969, are hereby fixed as follows:

(i) District 1: 12,090 cartons;

(ii) District 2: 40,920 cartons;

(iii) District 3: 123,690 cartons.

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

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

Dated: November 6, 1969.

ELDON E. SHAW,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13405; Filed, Nov. 7, 1969; 8:49 a.m.]

[Grapefruit Reg. 68]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.368 Grapefruit Regulation 68.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 6, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 10, 1969, through November 16, 1969, is hereby fixed at 170,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 6, 1969.

ELDON E. SHAW,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13406; Filed, Nov. 7, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 21]

[Docket No. 9510; Notice 69-49]

CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering amending Part 21 of the Federal Aviation Regulations (FARs) to expand the purposes for which experimental certificates may be issued by the holder of a delegation option authorization.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before February 6, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 21.191 provides for the issuance of experimental certificates for the purposes of research and development, showing compliance with regulations, crew training, exhibitions, air racing, market surveys, and operating amateur-built aircraft.

Under the delegation option authorization (DOA) procedures set forth in Subpart J of Part 21, a manufacturer may now issue experimental certificates for an aircraft for which it has applied for a type certificate, or an amended type certificate, under § 21.253, only for the purpose of showing compliance with the applicable airworthiness requirements of the FARs. The Aerospace Industries Association of America, Inc. (AIA) has requested an amendment to the regulations to permit the holder of a delegation option authorization to issue experimental certificates for all the purposes for which those certificates may be issued under § 21.191, except for the operation of amateur-built aircraft.

In support of its request, the AIA points out that an amendment to the regulations authorizing a DOA manufacturer to issue experimental certificates for additional purposes would permit the timely issuance of those certifictes, conserve man-hour expenditures and reduce the FAA workload accordingly. Moreover, the AIA states that it would be in accord with the FAA's policy of increasing industry participation in delegation option authorization programs.

The FAA recognizes merit in the amendment requested by the AIA. However, since the experimental certificates would be issued in accordance with the delegation option authorization procedures, the purpose for which they are issued must be related to the functions covered by a delegation option authorization. Therefore, it is not proposed to permit delegation option authorizations to be used for the issuance of experimental certificates for the purpose of exhibiting an aircraft at air shows, motion pictures, television or similar productions, or for the purpose of participating in air races.

As proposed herein, a delegation option authorization could be used to issue experimental certificates not only for the purpose of showing compliance with the applicable airworthiness regulations, but also for the purposes of research and development, crew training, and market surveys. However, it should be noted that a DOA manufacturer would still be required to obtain from the Administrator any limitations or conditions that the Administrator considers necessary for safety before issuing any experimental certificate.

In consideration of the foregoing, it is proposed to amend § 21.251(b)(4)(i) of Part 21 of the Federal Aviation Regulations to read as follows:

§ 21.251 Limits of applicability.

* * * * *

(b) Delegation option authorizations may be used for—

* * * * *

(4) The issue of—

(i) Experimental certificates for aircraft for which the manufacturer has applied for a type certificate, or amended type certificate, under § 21.253, for the purpose of showing compliance with the applicable airworthiness requirements, and for the purposes of research and development, crew training, and market surveys.

* * * * *

This amendment is proposed under the authority of section 313(a), 314, 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 3, 1969.

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

[F.R. Doc. 69-13352; Filed, Nov. 7, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 1

Proposed Expenses

Consideration is being given to the approval of proposed expenses as hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

The proposals are as follows:

§ 948.262 Expenses.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1970, will amount to $50.

(b) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: November 5, 1969.

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

[F.R. Doc. 69-13370; Filed, Nov. 7, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 318; Delegation of Authority No. 120]

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, I hereby delegate to the Assistant Secretary of State for Administration the following authorities and functions:

1. The authority to prescribe, promulgate, and amend such rules and regulations and make such delegations and redelegations of authority, consistent with law, as may be necessary to carry out his assigned responsibilities, as listed in the Department of State Organizational Manual, as amended;

2. To the extent consistent with law, the authority to perform all functions heretofore reserved to or performed by the Deputy Under Secretary for Administration with respect to matters which are within the scope of the aforesaid assigned responsibilities of the Assistant Secretary for Administration, including but not limited to functions reserved to or performed by the Deputy Under Secretary for Administration in or under the Department of State Procurement Regulations and the Standardized Regulations (Government Civilians, Foreign Areas).

This Delegation of Authority shall not be construed as divesting the Deputy Under Secretary for Administration of any of the authorities presently conferred upon him or vested in him.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

OCTOBER 30, 1969.

[F.R. Doc. 69-13354; Filed, Nov. 7, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DARRELL LaVERNE FARISS

Notice of Granting of Relief

Notice is hereby given that Darrell LaVerne Fariss, 2870 Crater Lake Highway, Medford, Oreg., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 5, 1961, in the Circuit Court of the State of Oregon for the County of Jackson, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Darrell LaVerne Fariss, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Fariss, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Darrell LaVerne Fariss' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Darrell LaVerne Fariss from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Darrell LaVerne Fariss be, and he hereby is, granted relief from any and all disabilities imposed by Federal Laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13365; Filed, Nov. 7, 1969; 8:48 a.m.]

FRANK A. GUNTREN

Notice of Granting of Relief

Notice is hereby given that Frank A. Guntren, Rural Route No. 3, Jerseyville, Ill., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 19, 1960, in the County Court of Jersey County, Jerseyville, Ill., of larceny, a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank A. Guntren, because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Guntren, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Frank A. Guntren's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Frank A. Guntren from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Frank A. Guntren be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C. this 4th day of November, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13366; Filed, Nov. 7, 1969; 8:48 a.m.]

Office of Foreign Assets Control

NICKEL-BEARING MATERIALS FROM CZECHOSLOVAKIA

Issuance of Importation License

The Office of Foreign Assets Control has reason to believe that nickel-bearing materials and articles made in Czechoslovakia may be made or derived in whole or in part from forms of nickel which are of Cuban origin.

Notice is hereby given that, effective as of November 7, 1969, imports of the following nickel-bearing materials and

articles directly or indirectly from Czechoslovakia will be detained by Customs until such time as their release from Customs custody, or other disposition thereof, is authorized by the Office of Foreign Assets Control under the provisions of the Cuban Assets Control Regulations (31 CFR Part 515):

(1) Nickel, its alloys, their so-called basic shapes and forms, and also nickel waste and scrap, provided for in Schedule 6, Part 2, Subpart E, Tariff Schedules of the United States (TSUS);

(2) Nickel oxides provided for in item 419.72, TSUS;

(3) Nickel formate provided for in item 426.62, TSUS;

(4) Nickel sulfate provided for in item 419.74, TSUS;

(5) Other nickel salts provided for in item 426.64, TSUS.

Licenses will generally be issued to importers for imports in those cases where prior to November 7, 1969, (1) the goods were exported from Czechoslovakia; (2) the goods were paid for by a person in the United States; or (3) an irrevocable letter of credit covering the goods was established by a domestic bank.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-13364; Filed, Nov. 7, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

MIDDLE FORK CLEARWATER WILD AND SCENIC RIVER

Classification, Boundaries, and Development Plan

Correction

In F.R. Doc. 69-11922 appearing at page 15565 in the issue of Tuesday, October 7, 1969, the sixth entry under the first paragraph in the third column on page 15568 should be changed to read "T. 36 N., R. 10 E.—Unsurveyed, but which probably will be when surveyed, Secs. 25, 26, 34, 35, and 36."

Packers and Stockyards Administration

ATKINS LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Atkins Livestock Auction, Atkins, Ark.
MFA Livestock Association, Inc. (Marshall, Mo.), Imboden Concentration Point, Imboden, Ark.
Schuyler Livestock Sales, Rushville, Ill.
Kentwood Livestock Sales, Inc., Kentwood, La.
Oakland Stables, Accokeek, Md.
M.F.A. Livestock Association, Inc., Ellington Concentration Point, Ellington, Mo.
Lea County Livestock Auction, Inc., Lovington, N. Mex.
Penasco Area Development Association, Vadito, N. Mex.
C and M Livestock Market, Inc., Jamestown, Tenn.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 4th day of November 1969.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-13371; Filed, Nov. 7, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 5046]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

NOVEMBER 3, 1969.

In F.R. Doc. No. 68-6941 appearing on page 8682 of the FEDERAL REGISTER issue of Thursday, June 13, 1968 (33 F.R. 8682), the following correction should be made:

In T. 11 N., R. 12 W., Sec. 20, add "N½S½NW¼."

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-13318; Filed, Nov. 7, 1969; 8:45 a.m.]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 3, 1969.

Notice of a U.S. Forest Service application, New Mexico 5046, for withdrawal and reservation of lands for withdrawal for recreational areas, was published as F.R. Doc. 68-6941 on page 8682 of the issue for June 13, 1968. The applicant agency has canceled its application insofar as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 12 W.,
Sec. 6, SE¼NE¼SW¼;
Sec. 18, SE¼SE¼.
T. 12 N., R. 12 W.,
Sec. 31, N½SW¼NE¼ and SW¼SW¼NE¼.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on November 28, 1969, will be relieved of the segregative effect of the above-mentioned application.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-13319; Filed, Nov. 7, 1969; 8:45 a.m.]

Office of the Secretary

ALEX S. CHAMBERLAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 21, 1969.

Dated: October 20, 1969.

ALEX S. CHAMBERLAIN.

[F.R. Doc. 69-13328; Filed, Nov. 7, 1969; 8:46 a.m.]

HARRY J. PECKHEISER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months.

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 15, 1969.

Dated: October 15, 1969.

HARRY J. PECKHEISER.

[F.R. Doc. 69-13329; Filed, Nov. 7, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[S-241]

UNITED STATES LINES, INC.

Notice of Hearing

On October 3, 1969, notice was published in the FEDERAL REGISTER of the United States Lines, Inc.'s, September 23, 1969, Title VI application for a new 2-year subsidy agreement covering its existing subsidized services on Trade Routes 5-7-8-9, 11, and 12 (34 F.R. 15427). The notice requested interested persons to offer views and comments for consideration by the Board with respect to its taking any action deemed appropriate and several responses were received. Thereafter, on October 30, 1969, United States Lines, Inc., amended its original application to withdraw its request of subsidy for its Trade Routes 5-7-8-9 and 11 cargo vessel services. Having considered the submitted comments and United States Lines, Inc.'s, partial withdrawal, the Board, in its discretion determined that a hearing on the remaining Trade Route 12 operations would be in the public interest.

Accordingly, and notwithstanding the applicability or inapplicability of section 605(c) of the 1936 Act to a Title VI application for renewal of a subsidy contract covering existing subsidized services, notice is hereby given that a hearing is administratively ordered to be held in connection with the applicant's Trade Route 12, U.S. Atlantic/Far East operations. The hearing will be expedited to the maximum extent consistent with the rights of the parties. The purpose of the hearing will be to receive evidence relevant to (1) whether the effect of a new subsidy contract would be to give undue advantage or be unduly prejudicial as between citizens of the United States in the operations of vessels in the competitive services on the route involved and (2) whether a subsidy contract is necessary to provide adequate U.S.-flag service in the accomplishment of the objects and policy of the Act.

The prehearing conference will be before the Chief Hearing Examiner of the Maritime Administration (or a designee of his office) as the duly authorized representative of the Maritime Subsidy Board, in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C., at 10 a.m., on November 24, 1969, and a recommended decision will be issued.

Any American-flag carrier by water having any interest and desiring to be heard on the referred-to issues must file such request by close of business on November 17, 1969, with the Secretary, Maritime Subsidy Board, in writing, in triplicate, stating clearly and concisely the grounds of interest, and the alleged facts relied on in support of its position in the matter.

If no requests to participate in the hearing are received within the specified time, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: November 6, 1969.

By Order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-13327; Filed, Nov. 7, 1969; 9:36 a.m.]

Office of the Secretary

[Dept. Order 184-B]

OFFICE OF FOREIGN DIRECT INVESTMENTS

Organization and Functions

The following order was issued by the Secretary of Commerce on October 27, 1969. This material supersedes the material appearing at 34 F.R. 8303 of May 29, 1969.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Office of Foreign Direct Investments (the "Office").

SEC. 2. *Organization structure.* The organization structure and line of authority within the Office shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Director.* .01 The *Director*, as head of the Office, directs and is responsible for all operations of the Office.

.02 The *Deputy Director for Operations* assists the Director in management of the Office, is responsible for coordinating activities of the Authorizations and Reports Division and of the Compliance Division and assumes the functions of the Director during the latter's absence.

.03 The *Deputy Director for Planning* assists the Director in management of the Office and is responsible for coordinating activities of the Program Analysis and Policy Division and, consistent with Department Order 104, of the Legal Division.

.04 The *Assistant Director* shall assist the Director by representing the Office in contacts with representatives of foreign governments and commercial and banking communities and maintaining liaison with U.S. banking, business and trade associations and with agencies of the U.S. Government, as directed.

.05 The *Special Assistant to the Director* shall perform such duties as the Director will assign.

SEC. 4. *Staff Offices.* .01 The *Administrative Officer* shall arrange for and facilitate the provision of administrative services from the Office of the Secretary, formulate and execute the budget of the Office, develop and maintain the internal administrative management system of the Office, and perform other specific administrative assignments as directed by the Director.

.02 The *Information Officer* shall provide public information services for the Office.

SEC. 5. *Program Analysis and Policy Division.* The Program Analysis and Policy Division shall:

a. Measure the effect of the Foreign Direct Investment Program on U.S. balance of payments and on relevant national indices;

b. Formulate recommendations concerning policy issues relating to the Foreign Direct Investment Program;

c. Conduct studies of foreign borrowing trends and problems associated with financing direct investment abroad, of certain industries, of particular direct investment problems, and of the relationship between the Foreign Direct Investment Program to other U.S. Government balance of payments programs, utilizing the advice and assistance of the Office of Business Economics and other interested Federal agencies as appropriate;

d. Plan, coordinate and prepare reporting forms and respective instructions, prepare special periodic internal analytical reports and special studies requested by the Director and prepare data on the program for publication; and

e. Provide policy input in the specific authorization and exemption process.

SEC. 6. *Legal Division.* The Legal Division shall:

a. Provide legal advice on applications for specific authorization or exemption and prepare necessary correspondence for transmitting recommendations and decisions;

b. Participate in the determination of need for amendments to the Foreign Direct Investment Regulations (the "Regulations") and prepare such amendments;

c. Prepare and issue general bulletins to the public containing detailed interpretations of the Regulations and policy statements of the Office;

d. Prepare and issue to applicants interpretive opinions concerning the Regulations;

e. Provide legal review and advice on internal documents and on documents for public release; and provide legal advice and assistance, as may be required, to officials of the Office, the Foreign Direct Investments Appeals Board, and the Office of the Secretary; and

f. Participate in the determination of need for reporting forms and changes in reporting forms and in the preparation of such forms.

SEC. 7. *Authorizations and Reports Division.* The Authorizations and Reports Division shall:

a. Review and recommend action on applications from direct investors for specific authorization or exemption;

b. Provide assistance and advice to current or potential investors regarding any problems they may have under the Regulations and to help them proceed with their investment plans within the context of goals of the Foreign Direct Investment Program;

c. Maintain central files of: Specific authorization, exemption, and compliance cases; direct investor reports regarding conditions attached to authorizations and exemptions; and certificates

regarding foreign borrowing filed by direct investors;

d. Evaluate reporting forms and related instructions on the basis of problems and difficulties experienced by reporters; answer inquiries about reporting forms and instructions; monitor and assure timely receipt of reports from direct investors, and contact reporters who have not filed on time; review direct investors' reports for completeness, accuracy, validity, and potential compliance problems; evaluate reports from direct investors for consistency with specific authorizations or exemptions previously granted; and contact reporters regarding problems encountered on their reports; and

e. Process reports in an orderly manner to assure timely provision of data; plan and coordinate internal information flows; arrange for computer programing and processing to meet data requirements; and develop statistical and special reports with respect to specific authorizations or exemptions, and foreign borrowing certified to the Office.

SEC. 8. *Compliance Division.* The Compliance Division shall:

a. Conduct routine and special audits and investigations to determine whether direct investors are complying with the requirements of the Foreign Direct Investment Program and take appropriate action;

b. Develop and present evidence in any administrative proceeding instituted for the enforcement of the Foreign Direct Investment Program;

c. Examine investigation reports and information from other sources for possible violations of the Regulations or other agency actions and prepare materials for use in connection with proceedings in the Federal Courts; and

d. Advise and assist in the preparation of forms required to be filed by direct investors and advise other divisions on general accounting matters.

SEC. 9. *Support Services.* The Office of the Assistant Secretary for Administration shall provide personnel, finance, and administrative services to the Office.

Effective date: October 27, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-13314; Filed, Nov. 7, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 159]

DRUGS FOR HUMAN USE; DRUG EFFICACY STUDY IMPLEMENTATION

Sulfapyridine for Systemic Use

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following sulfonamide preparations for systemic use:

1. Sulfapyridine Tablets, 0.5 gram; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 0-695).

2. Sulfapyridine Tablets, 0.5 gram; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 0-159).

This drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. The submission of a new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approved new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

SULFAPYRIDINE

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that sulfapyridine is effective when administered for the treatment of dermatitis herpetiformis.

B. *Form of drug.* Sulfapyridine preparations are in tablet form suitable for oral administration and contain, per dosage unit, an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DESCRIPTION

Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.

ACTIONS

To be supplied by the manufacturer: This is to be confined to an appropriate statement of the demonstrated pharmacological/physiologic actions by the active ingredients of the drug. When such actions are based on animal studies alone, this should be clearly stated. When the mode of action has not been determined, this should be clearly indicated.

INDICATIONS

For the treatment of dermatitis herpetiformis.

CONTRAINDICATIONS

Hypersensitivity to sulfonamides.

Infants less than 2 months of age.

Pregnancy at term and during the nursing period because sulfonamides pass the placenta and are excreted in the milk, and may cause kernicterus.

WARNINGS

Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.

The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.

Blood counts and renal function tests are recommended during treatment: frequently during the first 2 weeks of therapy and at appropriate intervals thereafter.

PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and in those with severe allergy or bronchial asthma.

In glucose-6-phosphate dehydrogenase deficient individuals hemolysis may occur. This reaction is frequently dose related.

Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

ADVERSE REACTIONS

Blood dyscrasias: Agranulocytosis aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, methemoglobinemia.

Allergic reactions: Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritus, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, allergic myocarditis.

Gastrointestinal reactions: Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, stomatitis.

C.N.S. reactions: Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, insomnia.

Miscellaneous reactions: Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarteritis nodosum and L.E. phenomenon have been noted.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemic agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

DOSAGE AND ADMINISTRATION

Usual Adult Dose—0.5 Gm., 4 times a day until improvement is noted. The daily dose is then reduced by 0.5 Gm., at 3 day intervals, until maintenance free of symptoms is achieved. Increased dosage may be required with recurrences. The minimum effective dose is the maximum maintenance dose.

D. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described here for the drug, and complete current container labeling, unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are

already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described in the proposal for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER February 27, 1969. (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

E. *New Applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation, § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of February 27, 1969. Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

G. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than that provided for in this announcement, it may be regarded as an unapproved new-drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in §§ 130.4 or 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Marketed Drugs (MD-300), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to the firms referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the drug listed in this announcement or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 159 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).

Supplements (identify with NDA number): Office of Marketed Drugs (MD-300), Bureau of Medicine.

Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (MD-300), Bureau of Medicine.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: November 3, 1969.

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

[F.R. Doc. 69-13331; Filed, Nov. 7, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20244 and 20336]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Notice of Second Prehearing Conference

Notice is hereby given that a second prehearing conference in the above-entitled matter is assigned to be held on November 18, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 4, 1969.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 69-13360; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 20760; Order 69-11-12]

BERWIND CORP. ET AL.

Order Regarding Approval or a Disclaimer of Jurisdiction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1969.

The Berwind Corp. (Berwind), Tradewinds and Western Airways, Inc. (Tradewinds), Tradewinds Investment Co. (TWIC), Berwind Lines, Inc. (Berwind Lines), and the Porto Rico Lighterage Co. (Porto Rico) have submitted an application for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) or, in the alternative, a disclaimer of jurisdiction with respect to (1) the acquisition of 90 percent of the stock of Tradewinds by Berwind, (2) the acquisition of control of TWIC by Berwind, and (3) the lease of certain aircraft from TWIC by Tradewinds. The application also seeks approval, to the extent required, or, alternatively, a disclaimer with respect to various interlocking relationships.

Berwind is a company engaged in various business enterprises through numerous subsidiaries and divisions.[1] Among these companies controlled by Berwind are Porto Rico and Berwind Lines. Porto Rico owns and operates seven tugboats and one barge. Its services include, among other things, hauling bulk material barges for various customers, hauling barges of Berwind Lines in the Caribbean, and, on occasion, the hauling of property on its own barge. Berwind Lines is in the business of transporting property by water between San Juan, St. Thomas, and St. Croix. Applicants state that Berwind Lines is considered by the Federal Maritime Commission to be a water carrier by vessel.

Tradewinds is an air taxi operator conducting operations on a scheduled basis

[1] The Berwind-White Co., a nonoperating holding company, owns 100 percent of the stock of Berwind. Charles G. Berwind and C. G. Berwind, Jr., hold 90 percent of Berwind-White's stock.

within Puerto Rico and between Puerto Rico and the Virgin Islands. TWIC was formed by Berwind for the purpose of acquiring and leasing aircraft to Tradewinds.

Applicants indicate that Tradewinds became insolvent in the fall of 1968, and had to suspend scheduled passenger service. Under these circumstances, negotiations were undertaken with Berwind, and, on December 13, 1968, Berwind purchased 90 percent of the stock of Tradewinds. Shortly thereafter Berwind formed TWIC to purchase and lease equipment to Tradewinds. TWIC has leased one aircraft to Tradewinds and Tradewinds resumed scheduled service on January 22, 1969. As a result of the foregoing transactions, various interlocking relationships have been created between Tradewinds and various companies in the Berwind-White corporate structure, as well as relationships between Berwind and Western Pacific Railroad Co. (Western-Pacific) involving Mr. A. W. Whittlesey.

No comments have been received.[2]

I. It appears that Berwind Lines and Porto Rico are common carriers and that TWIC is a person engaged in a phase of aeronautics—all within the meaning of section 408 of the Act. Thus, the application presents a situation where a person who controls two common carriers has acquired control of an air carrier. The Board has held that such common control relationships are subject to section 408 of the Act.[3] However, having considered the record herein, we have determined that there do not appear to be any immediate regulatory problems raised by the common control relationships resulting from Berwind's acquisition of control of Tradewinds, and accordingly, we have tentatively[4] decided to exempt the acquisition of Tradewinds by Berwind from the requirements of section 408 pursuant to subsection (a)(5), as amended by Public Law 91-62.[5] Tentatively, we do not find that the acquisition will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

In reaching our decision in this matter we have taken into consideration the fact that Tradewinds is engaged essentially in the passenger transportation business and the surface carrier subsidiaries of Berwind are in the cargo transportation business. Furthermore, both Berwind Lines and Porto Rico, although operating between some of the same points as Tradewinds, provide transportation by barge. Due to the relatively slow speed of this type of service, and in light of the bulky nature of many of the commodities transported, it appears that the cargo operations of Porto Rico and Berwind Lines would not, from a practical standpoint, be competitive with those of Tradewinds since the type of commodity normally shipped by barge would not be suitable for shipment by air. Furthermore, the small cargo capacity of the relatively light aircraft used by Tradewinds appears to make it unlikely that Tradewinds could accommodate such commodities, even if it wished to do so. Moreover, the striking difference in cost of shipment by water, as compared with shipment by air, tends to preclude the shipment by air of those commodities of high volume and weight normally associated with barge transportation.[6] Although there is always the possibility that goods suitable for air transportation (i.e., goods of low weight and high value) could be sent via barge between Puerto Rico and the Virgin Islands, the effect of such an occurrence on Tradewinds would appear to be minimal. In this connection, the application asserts that Tradewinds carried no air freight between Puerto Rico and the Virgin Islands in 1968, and it expects to carry little, if any, in 1969.

II. Regarding the common control by Berwind of TWIC and Tradewinds, the Board concludes that TWIC is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act by reason of its ownership and leasing of aircraft and, therefore, that its establishment and control by Berwind, a person controlling an air carrier, is subject to section 408(a)(6) of the Act. According to the application Berwind has invested substantial funds in TWIC, and plans to provide TWIC with approximately $2 million in 1969 for aircraft acquisition. To date, TWIC has contracted to purchase four aircraft. Moreover, there have been and will be transactions among Berwind, TWIC and Tradewinds. Normally, the Board would be reluctant to approve without limitation the acquisition of control of a phase of aeronautics by a person controlling an air carrier when such acquisition would result in transactions between the companies under common control. However, it appears that the control of TWIC by Berwind will benefit Tradewinds, who will have available the equipment necessary to meet the needs of the public, and that the transaction therefore is in the public interest. Moreover, Tradewinds is exempt from the provisions of section 408 of the Act which normally apply to the lease of aircraft from a person engaged in a phase of aeronautics.[7]

Upon consideration of the foregoing, the Board has concluded tentatively that the acquisition of control of TWIC by Berwind, while Berwind controls Tradewinds, does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing, and it is found that the public interest does not require a hearing.[8] In this connection, we will defer action on Caribair's petition for leave to intervene, which will be moot if the Board makes final the tentative approval proposed herein.

III. Various officers and directors of Berwind have assumed similar positions with Tradewinds and TWIC, thereby creating interlocking relationships among the three companies. However, Tradewinds, pursuant to § 298.11(h) of the Board's economic regulations, is exempt from the provisions of section 409. Similarly, the individuals involved in such interlocking relationships are exempt from the provisions of section 409 pursuant to § 298.14 of the economic regulations, with the exception of Mr. A. W. Whittlesey.

As regards Mr. Whittlesey, we have decided to disclaim jurisdiction over the holding by him of directorships in Berwind and Western Pacific. Literally, the provisions of section 409(a) of the Act are not applicable to a person simultaneously holding directorships in a person controlling an air carrier (Berwind) and in a common carrier (Western Pacific). However, the Board has stated in the past that, where necessary, separate corporate entities may be disregarded and that persons controlling air carriers would be considered as air carriers for section 409 purposes.[9] In all such cases the Board must be guided by the substantial practical relationships involved, rather than by form. In the instant case there do not appear to be any regulatory problems raised by Mr. Whittlesey's holding directorships in Berwind and Western Pacific. Western Pacific is primarily engaged in the transportation of freight by rail on the west coast of the United States, while Berwind, through Tradewinds, is concerned with the transportation of passengers by air

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[2] Caribbean Atlantic Airlines, Inc. (Caribair) has filed a petition for leave to intervene.

[3] Cf. Air Freight Forwarder Case 9 CAB 473, 504 (1948).

[4] We propose to grant final exemption relief at the same time we issue a final order approving the other relationships hereinafter discussed.

[5] The basis for the Board's use of its exemption power depends on the facts known by the Board when it acts. Thus, any change in the method of operations of any of the corporate entities (e.g. the acquisition of larger aircraft by Tradewinds) which would give rise to possible conflicts of interest on the part of Berwind could result in the subsequent reappraisal of the acquisition by the Board.

[6] We understand that many of the commodity rates charged by Berwind Lines are below $0.01 per pound, and that Porto Rico charges a minimum daily rate of $1,500 per barge on a contract basis. In comparison, Tradewinds has a standard rate of $0.06 per pound on all commodities between San Juan and St. Thomas.

[7] Under § 298.11 of the Board's economic regulations, transactions involving the lease of aircraft by Tradewinds from TWIC are exempt from the requirements of section 408 of the Act, and require no further Board approval.

[8] It appears that the control relationships involving Berwind, Tradewinds and TWIC have been in effect for some time. Nevertheless, it has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships (15 CAB 876, 1952), to the extent applicable, and to consider the application on its merits.

[9] Studebaker Corp., Disclaimer 37 CAB 738 (1962).

in the area of Puerto Rico and the Virgin Islands. Because of an apparent lack of a conflict of interest, the Board has determined that it will recognize and respect the separate corporate entities involved and disclaim jurisdiction over the interlocking relationships.

In view of the foregoing, the Board tentatively concludes that it should (1) exempt the acquisition of control of Tradewinds by Berwind, while Berwind controls Berwind Lines and Porto Rico; and (2) approve without hearing, under the third proviso of section 408(b) of the Act, the acquisition of control of TWIC by Berwind, who controls Tradewinds. The Board also concludes that it should disclaim jurisdiction over the interlocking relationships created by the holding by Mr. Whittlesey of directorships with Berwind and Western Pacific. In its final order the Board will reserve jurisdiction generally over the control relationships which it will therein exempt or approve. Accordingly, under section 408 of the Act, this order constitutes, among other things, notice of the Board's tentative findings, and will be published in the FEDERAL REGISTER. Interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, That:

1. The acquisition of control of Tradewinds by Berwind be and it hereby is tentatively exempted from the requirements of section 408(a)(5) of the Act;

2. The acquisition of control of TWIC by Berwind be and it hereby is tentatively approved;

3. The request for a disclaimer of jurisdiction under section 409 of the Act over the interlocking relationship pertaining to Mr. A. W. Whittlesey be and it hereby is granted;

4. Interested persons are hereby afforded a period of ten (10) days from the date of issuance of this order within which to file comments or request a hearing with respect to the Board's proposed action described in ordering paragraphs 1 and 2 above; [1] and

5. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-13359; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 20946 etc.]

HARLLEE BRANCH, JR. ET AL. AND UNITED STATES STEEL CORP.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 2, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 25, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 28, 1969.

[SEAL] MILTON H. SHAPIRO, *Hearing Examiner.*

[F.R. Doc. 69-13361; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Notice of Postponement of Hearing

By letters of October 21 and 24, 1969, Bureau Counsel requested a postponement of the hearing in the above-entitled proceeding and suggested new procedural dates for the submission of information responses, exhibits, and testimony. The Bureau states that this information is essential to assure an adequate record for decision.

Under these circumstances, and pursuant to the provisions of the Federal Aviation Act of 1958, as amended, notice is hereby given that hearing in this proceeding now assigned to be held on November 18, 1969, is postponed pending receipt of answers and a ruling on Bureau Counsel's request.

Dated at Washington, D.C., November 3, 1969.

[SEAL] THOMAS P. SHEEHAN, *Hearing Examiner.*

[F.R. Doc. 69-13363; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 21577; Order 69-11-10]

NORTHWEST AIRLINES, INC. AND WESTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1969.

By tariff revisions marked to become effective November 8 and 12, 1969,[1] Northwest Airlines, Inc. (Northwest) and Western Air Lines, Inc. (Western)[2] propose a requirement in connection with local youth advance reservation fares that the reservation be confirmed and the ticket issued at least 48 hours prior to departure from point of origin. Presently reservations may be made and ticketing accomplished at any time prior to scheduled departure.

No justification has been submitted by either carrier in support of their proposals and no complaints have been filed.

Upon consideration of all relevant matters, the Board finds that Northwest's and Western's proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated.

The carriers' proposals require that youth advance reservation fare passengers confirm their reservations 48 hours prior to departure yet no explanation or statements supporting these proposed tariff revisions have been provided. Consequently, the Board concludes that the proposal should be suspended pending investigation.

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 provisions of Rule No. 26(F)(4) on 15th and 16th Revised Pages 18-C of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 98, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of Rule No. 26(F)(4) on 15th and 16th Revised Pages 18-C of Airline Tariff Publishers, Inc., Agent's CAB No. 98 are suspended and their use deferred to and including February 5, 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. This 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 served upon Northwest Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-13358; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 21554]

QUEBECAIR

Application for a Foreign Air Carrier Permit; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 14, 1969, at 10 a.m., e.s.t., in

[1] Comments shall conform to the requirements of the Board's rules of practice (14 CFR 302). Further, since an opportunity to file comments is being provided, petitions for reconsideration of this order will not be entertained.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 98.

[2] Western is proposing to offer youth reservation fares for the first time.

Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., November 4, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-13362; Filed, Nov. 7, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

CORRECTIVE THERAPIST SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Corrective Therapist Series, GS-635. The requirements, the duties of the positions, and the reasons for the Commission's decision that requirements are necessary are set forth below.

THE CORRECTIVE THERAPIST SERIES, GS-635 (ALL POSITIONS)

Minimum Educational Requirements. Candidates must have successfully completed a 4-year course of study at an accredited college or university leading to a bachelor's degree in physical education, corrective therapy, or physical therapy.

Duties. Corrective therapists perform professional work requiring the application of knowledge of the concepts, principles, and practices of physical education and rehabilitation therapy. They plan and carry out treatment in which they use or adapt various types of physical exercised physical activities, and equipment for the health maintenance, physical reconditioning, resocialization, or mental restoration of patients. They perform tests and evaluations of muscle strength, endurance, coordination, balance, and vital capacity. They provide individual or group instruction in physical exercise to patients. They devise adaptations of equipment for use of patients.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the principles, theories, concepts, and practices of physical education and rehabilitation therapy. The duties of the positions require the application of highly technical information and skills acquired only through the successful completion of a course of study in an accredited college or university which has technical libraries, well-equipped laboratories, and thoroughly trained instructors; gives expert guidance; and evaluates progress competently.

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

[F.R. Doc. 69-13312; Filed, Nov. 7, 1969; 8:45 a.m.]

EDUCATIONAL THERAPIST SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Educational Therapist Series, GS-637. The requirements, the duties of the positions, and the reasons for the Commission's decision that requirements are necessary are set forth below.

EDUCATIONAL THERAPIST SERIES, GS-639 (ALL POSITIONS)

Minimum Educational Requirements. Candidates must have successfully completed a 4-year course of study at an accredited college or university leading to a bachelor's degree with major study in education, or in a field directly applicable to the work such as occupational therapy or psychology provided that the curriculum has included or been supplemented by a minimum of 12 semester credit hours in education.

Duties. Educational therapists perform professional work utilizing the concepts, principles, methods, and practices of education in the treatment and rehabilitation of patients having physical or mental disabilities. Educational therapists evaluate the learning ability or educational level of patients by use of educational tests and measurements. They use educational situations, methods, and equipment to enable the patient to achieve therapeutic objectives such as diminishing emotional stress, providing a sense of achievement, or channeling energies into acceptable forms of behavior.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the principles, theories, concepts, and practices of education. The duties of the positions require the application of highly technical information and skills acquired only through the successful completion of a course of study in an accredited college or university which has technical libraries, well-equipped laboratories, and thoroughly trained instructors; gives expert guidance; and evaluates progress competently.

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

[F.R. Doc. 69-13311; Filed, Nov. 7, 1969; 8:45 a.m.]

MANUAL ARTS THERAPIST SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Manual Arts Therapist Series, GS-637. The requirements, the duties of the positions, and the reasons for the Commission's decision that requirements are necessary are set forth below.

THE MANUAL ARTS THERAPIST SERIES, GS-637 (ALL POSITIONS)

Minimum Educational Requirements. Candidates must have successfully completed a 4-year course of study at an accredited college or university leading to a bachelor's degree in industrial education, industrial arts education, manual arts therapy, or occupational therapy.

Duties. Manual Arts Therapists perform professional work utilizing industrial arts activities in the treatment and rehabilitation of patients having physical or mental disabilities. Manual arts therapists evaluate the vocational potential of patients; devise projects and equipment to maintain or improve skills or promote recovery of patients; and evaluate ability of patients to work in actual or simulated work environments.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the scientific and technological principles, concepts, and practices underlying professional work in manual arts therapy. The duties of the positions require the application of highly technical information and skills acquired only through the successful completion of a course of study in an accredited college or university which has technical libraries, well-equipped laboratories, and thoroughly trained instructors; gives expert guidance; and evaluates progress competently.

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

[F.R. Doc. 69-13313; Filed, Nov. 7, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-107]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 4, 1969.

Take notice that on October 24, 1969, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-107 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.

Applicant requests that the cost limitation set forth in § 2.58(a) of the Commission's General Policy and Interpretations be waived to permit the expenditure of up to $5,720,100 for all facilities. The application states that the total cost for facilities for any single project wil not exceed $500,000. The proposed facilities will be financed with cash on hand, cash generated from internal sources, and short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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. 69-13338; Filed, Nov. 7, 1969; 8:46 a.m.]

[Docket No. RP69-22]

CASCADE NATURAL GAS CORP.

Order Instituting Investigation and Permitting Intervention

OCTOBER 29, 1969.

On February 7, 1969, Cascade Natural Gas Corp. (Cascade) filed a petition with the Commission requesting the Commission to institute an investigation as to the lawfulness and reasonableness of the rates and charges set out in its FPC Gas Rate Schedule No. 1, and the lawfulness of certain other terms and conditions also contained in that rate schedule. Cascade alleges that the rate levels are so low as to adversely impair its financial ability to continue or expand its services, cast upon its other customers an excessive burden, and is therefore unjust, unlawful, unreasonable, unduly discriminatory, confiscatory, and contrary to the public interest. It further urges that certain other provisions in Rate Schedule No. 1 are also unjust, unlawful, unduly discriminatory, in restraint of trade, illegal, and contrary to the public interest. Cascade requests that a hearing be held on these matters, that the Commission by order permit the filing of just and reasonable rates, and to the extent that the Commission finds other terms and conditions unlawful or contrary to the Natural Gas Act that such provisions be declared inoperative, and of no force and effect.

Mountain Fuel Supply Co. (Mountain Fuel), Cascade's sole customer under that rate schedule, filed a petition to intervene in opposition to Cascade's request. Notices of intervention in support of Cascade's petition were filed by the Public Utility Commissioner of Oregon and the Washington Utilities and Transportation Commission. Notices of intervention in opposition were filed by the Public Service Commission of Utah and the Public Service Commission of Wyoming.

In opposition, Mountain Fuel asserts a number of reasons for rejecting Cascade's petition. Among the principal reasons advanced by Mountain Fuel are the following: the decisions in United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332, and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348, stand for the proposition that private gas purchase contracts should not be disturbed except in extraordinary circumstances; Cascade voluntarily agreed to the 21-cent contract rate; Cascade, which is primarily a gas distribution company, has not shown that the rate for the sale to Mountain Fuel is so low as to impair its financial ability; and the calculations furnished by Cascade purporting to show an inadequate return on its sale to Mountain Fuel are of no probative value for several reasons, the most significant of which is Cascade's assumption that it will sell only 13,140,000 Mcf annually to Mountain Fuel rather than 18,250,000 Mcf annually (50,000 Mcf per day) which Mountain Fuel is obligated to purchase under the contract if Cascade can show requisite deliverability.

On June 26, 1969, Cascade filed a letter supplementing its petition and on July 1 and July 17, Mountain Fuel filed letters answering the claims in Cascade's June 26 letter. In its supplement Cascade alleges that "additional facilities and gas supply are required to increase the deliverability of Cascade's system" to meet contract requirements, that "Cascade is required by the regulations and the public interest to show a market to justify the additional expansion" and that "Mountain Fuel has repeatedly refused to furnish Cascade a schedule of future requirements". In answer, Mountain Fuel asserts that "if Cascade were able to deliver 50,000 Mcf per day, Mountain Fuel would, as it has from the inception of the contract, stand ready, willing and able to purchase said amount."

It appears that the question of whether Cascade can deliver and Mountain Fuel will take 18,250,000 Mcf annually under the terms of the contract is critical to the determination of whether the contract rate is so low as to adversely affect the public interest. If sales of 18,250,000 Mcf were made, there would appear to be no basis in Cascade's pleadings for undertaking an investigation of the lawfulness and reasonableness of its rates and charges to Mountain Fuel. The presentation in Cascade's petition is predicated on a lower level of sales and, obviously, in the absence of a significant increase in facilities, or cost of purchased gas, neither of which it has suggested is likely, Cascade's return will be markedly greater than shown in its petition, if Mountain Fuel can and will take at the 18,250,000 Mcf annual rate.

Because of the conflicting claims in the pleadings, we are unable to determine from those pleadings how much gas Cascade can deliver and Mountain Fuel would take under the contract. Accordingly, we will institute an investigation, and provide for evidentiary hearings to the extent necessary, limited to the threshold issue of how much gas can be delivered by Cascade and would be taken by Mountain Fuel under this contract. Resolution of that issue should enable us to determine whether further proceedings upon the complaint are warranted.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of section 5(a) of the Natural Gas Act that an investigation and hearing be instituted to determine how much gas Cascade can deliver and Mountain Fuel would purchase under the terms of the contract filed as Cascade's FPC Gas Rate Schedule No. 1.

(2) The participation of Mountain Fuel in this proceeding is in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 5,

14, 15, and 16 thereof, and the Commission's rules of practice and procedure, an investigation is hereby instituted to determine how much gas Cascade can deliver and Mountain Fuel would purchase under the terms of the contract filed as Cascade's FPC Gas Rate Schedule No. 1.

(B) Mountain Fuel is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on November 18, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of defining the issues, reaching an agreement and stipulation thereon with respect to any facts relevant to this proceeding and, if necessary to set dates for the filing evidence and to prescribe procedures for hearing.

(D) A presiding examiner designated by the Chief Examiner for that purpose [see Delegation of Authority, 18 CFR 3.5 (d)], shall preside at the prehearing conference in this proceeding and at hearings to be held at times he designates, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

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

[F.R. Doc. 69-13337; Filed, Nov. 7, 1969; 8:46 a.m.]

[Docket No. CP70-113]

COLORADO INTERSTATE GAS CO.

Notice of Application

NOVEMBER 4, 1969.

Take notice that on October 27, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-113 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase deliveries of natural gas to Plateau Natural Gas Co. (Plateau), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 6.5 miles of 4-inch pipeline to loop a portion of an existing 3-inch pipeline owned by Plateau. Applicant also proposes to replace an existing positive displacement meter with a dual 2-inch orifice meter having a larger delivery capacity, to meet Plateau's increased peak day gas requirements.

Applicant estimates the total cost of the proposed facilities to be $90,012.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13339; Filed, Nov. 7, 1969; 8:46 a.m.]

[Project No. 1432]

CWC FISHERIES, INC.

Notice of Application for New License for Constructed Project

OCTOBER 30, 1969.

Public notice is hereby given that application for new license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by CWC Fisheries, Inc. (correspondence to: A. W. Brindle, 88 East Hamlin Street, Seattle, Wash. 98105), for constructed Project No. 1432 located on an unnamed creek, tributary to Dry Spruce Bay, in Kodiak Recording District, Kodiak Island, Alaska, and affecting lands of the United States under the supervision of the Bureau of Land Management, Department of the Interior.

The existing project consists of: (1) Two ditches, one about 850 feet long and the other about 950 feet long, which divert water from four small creeks into two ponds; (2) an upper pond, surface area of about 10 acres, and a lower pond, surface area of about 1.5 acres; (3) earth-fill dams raising the surface of each pond 6 feet; (4) a 12-inch pipeline 6,722 feet long leading from the lower pond to the powerhouse; (5) a powerhouse containing one generator rated at 75 kw., and (6) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13340; Filed, Nov. 7, 1969; 8:47 a.m.]

[Docket No. CP70-112]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 4, 1969.

Take notice that on October 27, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Texas 79999, filed in Docket No. CP70-112 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary for the sale and delivery of additional quantities of natural gas to Southern Union Gas Co. (Southern) for resale and distribution in the area of Clarksdale and Cottonwood, Ariz., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Southern has requested additional volumes of natural gas to satisfy the increased requirements of its customers. Applicant proposes to construct and operate a 6⅝-inch O.D. pipeline loop of a portion of its existing 4½-inch O.D. Clarksdale line beginning at a point of connection on its 20-inch O.D. San Juan-Maricopa line and extending for a distance of approximately 4.5 miles. Applicant also proposes to make certain minor modifications to its existing American Cement Co. metering facilities serving Southern. The total estimated cost of the proposed facilities is $175,313, to be financed by working funds and short-term borrowings.

The estimated third year peak day and annual requirements of the area of Clarksdale and Cottonwood are 9,673 Mcf and 2,315,578 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the

Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13341; Filed, Nov. 7, 1969; 8:47 a.m.]

[Docket No. E-7509]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 30, 1969.

Take notice that on October 27, 1969, Gulf States Utilities Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $80 million principal amount of unsecured short-term promissory notes.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge, La., and vicinity.

Applicant proposes to issue the notes to commercial banks and to commercial paper dealers. Notes issued to commercial banks will be issued on various dates and will mature on December 31, 1970. Notes issued to commercial paper dealers will be issued on various dates and for varying periods of time, but no note will have a maturity of more than 9 months from the date of its issuance and in no event will the final maturity date be beyond December 31, 1971.

The proceeds from the notes will be added to the general funds of the applicant and will be used, among other things, to provide part of the funds for construction expenditures made and to be made. The preliminary estimated total for 1970 construction is $119,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13342; Filed, Nov. 7, 1969; 8:47 a.m.]

[Docket No. CP70-105]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 3, 1969.

Take notice that on October 22, 1969, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70-105 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to reassign volumes of natural gas by community within the presently authorized contract demand and for the initiation of certain firm industrial service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to reassign contract demand to allow Northern States Power Co. to achieve maximum utilization of its presently authorized service and to initiate firm industrial service of 210 Mcf per day to Iowa Public Service Co. for Armour & Co.—Sioux Quality Packers from existing volumes of contract demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file 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. 69-13343; Filed, Nov. 7, 1969; 8:47 a.m.]

[Docket No. RP70-7]

SOUTH GEORGIA NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

OCTOBER 29, 1969.

South Georgia Natural Gas Co. (South Georgia) on September 30, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on October 30, 1969, or on such later date as the Commission may permit the proposed rates of Southern Natural Gas Co. in Docket No. RP70-5 to become effective. The proposed rate changes would increase charges for jurisdictional service by $1,340,475 based on sales volumes for the 12-month period ended May 31, 1969, as adjusted.

South Georgia states that the principal reasons for the proposed rate increase are (1) increases in cost of financing which gives rise to the need for a 7.75-percent rate of return, (2) increased cost of purchased gas, (3) higher operating and maintenance expenses, (4) increased cost of materials and supplies, and (5) increases in taxes.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Sixth Revised Sheet No. 11; Seventh Revised Sheet No. 9; 10th Revised Sheet No. 12B; 15th Revised Sheet No. 6; and 16th Revised Sheet No. 5, to its FPC Gas Tariff, Original Volume No. 1

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

South Georgia requests that the effective date of its proposed rate increase be no later than the date the proposed rates of its supplier Southern Natural Gas Co. in Docket No. RP70–5 are made effective. We suspended Southern Natural's proposed rate increase until March 1, 1970. Accordingly, in order to allow the proposed rates to become effective March 1, 1970, we would have to suspend South Georgia's proposed rate increase for 4 months. Since a substantial portion of South Georgia's rate increase is a result of a claimed increase in costs other than purchased gas costs, we find that good cause does not exist to warrant waiver of the 5-month statutory suspension period with respect to the total rate increase requested. Therefore, we will suspend South Georgia's proposed rates until March 30, 1970. However, this action is not intended to preclude South Georgia from filing for increased rates to track Southern Natural's increase for the 1 month during which Southern Natural's increase can be made effective while South Georgia's rate increase is under suspension.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, and tariff provisions contained in South Georgia's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, ch. I), a public hearing shall be held commencing December 2, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in South Georgia's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon South Georgia's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until March 30, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on December 2, 1969, South Georgia's prepared testimony (Statement P) filed and served on October 13, 1969, together with its entire rate filing as submitted and served on September 30, 1969, shall be admitted to the record as South Georgia's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to any motions by the parties with respect thereto.

(D) Following admission of South Georgia's complete case-in-chief the parties shall present their views and the Presiding Examiner in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and interveners' evidence and South Georgia's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) Presiding Examiner, Howell Purdue, or any other designated by the Chief Examiner for that purpose [see Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

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

[F.R. Doc. 69–13335; Filed, Nov. 7, 1969; 8:46 a.m.]

[Docket No. RI70–210 etc.]

TEXAS PACIFIC OIL CO., INC. ET AL.

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

OCTOBER 23, 1969.

In the order providing for hearings on and suspension of proposed changes in rates, issued September 12, 1969, and published in the FEDERAL REGISTER September 20, 1969, 34 F.R. 14673, appendix A, on page 14674, Docket No. RI70–211, Texas Pacific Oil Co., Inc., (Operator) et al. Under column headed "Rate Schedule No." change "56" to read "50". Appendix A, Docket No. RI70–211: Under column headed "Respondent" add "Inc." to Respondent's name opposite all rate schedules involved in Docket No. RI70–211, to read thusly: "Texas Pacific Oil Co., Inc., (Operator) et al."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–13336; Filed, Nov. 7, 1969; 8:46 a.m.]

[Docket No. CP70–106]

VALLEY GAS CO.

Notice of Application

NOVEMBER 3, 1969.

Take notice that on October 22, 1969, Valley Gas Co. (applicant), 1595 Mendon Road, Cumberland, R.I. 02864, filed in Docket No. CP70–106 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Blackstone Gas Co (Blackstone), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized by order issued January 7, 1954, in Docket No. G–2272 to sell not more than 23 Mcf per day to Blackstone and that natural gas from applicant's Woonsocket distribution system would feed into Blackstone's distribution mains. Applicant states that in 1964 Blackstone agreed to take its entire supply from Tennessee Gas Pipe Line Co., a division of Tenneco Inc. (Tennessee), but has failed to do so. Applicant further states that Blackstone's peak day takes from applicant keep increasing, but applicant claims not to be a conventional wholesaler, and the deliveries through applicant's distribution system create problems. Applicant states further that Blackstone has an interconnection with Tennessee, and is presently receiving a portion of its supply therefrom, and that no additional facilities would be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file 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 permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13345; Filed, Nov. 7, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of voting shares of the successor by merger to First National Bank of Cambridge, Cambridge, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to First National Bank of Cambridge, Cambridge, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 20, 1969 (34 F.R. 13441), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved; *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this Order, or (b) later than 3 months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

Dated at Washington, D.C., this 3d day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13315; Filed, Nov. 7, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of voting shares of the successor by merger to Coshocton National Bank, Coshocton, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Coshocton National Bank, Coshocton, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 20, 1969 (34 F.R. 13441), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved; *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this Order, or (b) later than 3 months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

Dated at Washington, D.C., this 3d day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13316; Filed, Nov. 7, 1969; 8:45 a.m.]

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Daane, Brimmer, and Sherrill.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

WYOMING BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) by Wyoming Bancorporation, Cheyenne, Wyo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: Cheyenne National Bank, Cheyenne; East Cheyenne National Bank, Cheyenne; First Cheyenne State Bank, Cheyenne; and Stock Growers' Bank of Wheatland, Wheatland, all in Wyoming.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

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

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

Dated at Washington, D.C., this 3d day of November 1969.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Daane, Brimmer, and Sherrill.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13317; Filed, Nov. 7, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4719]

THE CONNECTICUT LIGHT & POWER CO.

Notice of Filing of Post-effective Amendment Proposing an Additional Issue and Sale of Commercial Paper and Notes to Banks

NOVEMBER 4, 1969.

Notice is hereby given that The Connecticut Light & Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities ("Northeast"), a registered holding company, has filed a post-effective amendment to an application-declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The application-declaration designates sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated April 1, 1969 (Holding Company Act Release No. 16332), this Commission granted and permitted to become effective the application-declaration now being amended, which order authorized CL&P to issue and sell no later than March 31, 1970, its short-term unsecured promissory notes up to an aggregate principal amount outstanding at any one time of $54 million to banks or to a dealer in commercial paper. CL&P now seeks authorization to increase the aggregate amounts of short-term notes that may be outstanding from $54 million to $55,600,000. In all other respects the transactions as heretofore authorized and approved by order of the Commission remain unchanged.

Notice is further given that any interested person may, not later than November 24, 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 amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is in order 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. 69-13347; Filed, Nov. 7, 1969; 8:47 a.m.]

[70-4806]

MISSISSIPPI POWER CO.

Notice of Proposed Issue and Sale of Commercial Paper Notes and Notes to Banks and Request for Exception From Competitive Bidding

NOVEMBER 4, 1969.

Notice is hereby given that Mississippi Power Co. ("Mississippi"), 2992 West Beach, Gulfport, Miss. 39501, an electric utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Mississippi 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 of short-term notes, be increased from 5 percent of the principal amount and value of the other securities of Mississippi at the time outstanding to approximately 10 percent thereof. Such increase will permit Mississippi 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). This amount is approximately $16 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), Mississippi 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 $16 million in aggregate principal amount of any one time outstanding, including currently outstanding short-term notes, which consist of bank notes aggregating $9,713,000 in principal amount which were issued pursuant to prior authorization of the Commission (Holding Company Act Release No. 15947 (Jan. 17, 1968)).

The proposed notes to banks will be dated the date of the borrowing, will mature not more than 9 months after the date of issue, and will not exceed $11,218,000 outstanding at any one time. The group of banks to which notes are to be issued consists of Continental Illinois National Bank & Trust Company of Chicago and Guaranty Trust Company of New York (maximum of $600,000 and $3,200,000, respectively, to be borrowed) and 34 local banks (maximum of $7,418,000 to be borrowed). Each bank note will bear interest at the prime rate in effect at the lending bank and may be prepaid, in whole or in part, without penalty or premium.

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 Mississippi directly to a dealer 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 an 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 Mississippi 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 bank notes and commercial paper will be used by Mississippi 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 notes and commercial paper, and for other lawful purposes. The total estimated construction expenditures of Mississippi for 1969 and 1970 are $9,024,000 and $21,947,000, respectively. The application states that any bank notes and commercial paper of Mississippi outstanding after December 31, 1970, will be

retired from internal cash resources or from the proceeds of permanent debt or equity financing.

Mississippi 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 Mississippi are published daily in financial publications, and it is not practical to invite invitations for bids for commercial paper. Mississippi also requests authority to file certificates of notification under Rule 24 in respect of its commercial paper on a quarterly basis.

Mississippi's fees and expenses to be incurred in connection with the proposed transactions are estimated at $900, including legal fees of $600. The application states that no State or 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 28, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-13348; Filed, Nov. 7, 1969; 8:47 a.m.]

[70-4801]

OHIO POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

NOVEMBER 4, 1969.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44702, an electric utility subsidiary company of American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, has filed an application-declaration, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell $80 million aggregate principal amount of its first mortgage bonds _____ percent series. The proposed series of bonds will bear a single maturity date within the range of 5 to 30 years, such maturity date to be determined not less than 72 hours prior to the opening of the bids. Such bonds will be sold under competitive bidding and the interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Ohio (which shall be not less than 99 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the mortgage and deed of trust dated as of October 1, 1938, between Ohio and Manufacturers Hanover Trust Co. and Donald B. Herterich, as trustees, as heretofore supplemented and amended and as to be further supplemented by a supplemental indenture to be dated as of the first day of the month in which the bonds are issued and which includes a 5-year prohibition against refunding the issue with the proceeds of funds borrowed at lower interest costs.

The proceeds of the sale of the bonds are to be applied to the extent necessary to pay Ohio's commercial paper and to prepay without premium Ohio's notes payable to banks. As of September 26, 1969, commercial paper was outstanding in the amount of $52,825,000 and bank notes in the amount of $17,965,000. It is expected that, at the time of issuance and delivery of the bonds, an aggregate amount not exceeding $74,600,000 of commercial paper and bank notes will be outstanding. The proceeds remaining after the repayment of Ohio's outstanding commercial paper and notes payable to banks will be applied to Ohio's construction program. Ohio's construction expenditures are estimated to total $280,640,000 for the years 1969 and 1970.

The application-declaration states that the Public Utilities Commission of Ohio has jurisdiction over the proposed transactions, and that an appropriate order will be obtained from this Commission and copies thereof will be filed by amendment. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than November 25, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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 applicants-declarants at the above-stated addresses, 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-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-13349; Filed, Nov. 7, 1969; 8:47 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

NOVEMBER 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liberty Equities Corp. (a District of Columbia corporation), and all other securities of Liberty Equities 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 November 5, 1969, through November 14, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-13350; Filed, Nov. 7, 1969; 8:47 a.m.]

[File No. 24D-2811]

MONTE CRISTO CORP.

Notice and Order for Hearing

NOVEMBER 3, 1969.

I. Monte Cristo Corp. (issuer), 1102 Continental Bank Building, Salt Lake

City, Utah, a Nevada corporation, with offices located at 1102 Continental Bank Building, Salt Lake City, Utah, filed with this Commission on October 23, 1968, a notification and offering circular relating to a proposed offering of 300,000 shares of its $0.10 par value common stock at $1 per share, for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provision of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission, on May 14, 1969, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. The time within which to request a hearing in this matter was extended until October 24, 1969. The Commission on October 22, 1969, received a request for a hearing in the matter signed by Clarence C. Neslen, Secretary for the issuer.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., December 1, 1969, at the Salt Lake Branch Office, Room 6004, Federal Building, 125 South State Street, Salt Lake City, Utah, with respect to the matters set forth in the Commission's order of May 14, 1969, which temporarily suspended the Regulation A exemption of Monte Cristo Corp., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

It is further ordered, That an officer or officers, to be appointed by the Commission for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on Monte Cristo Corp., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before November 10, 1969, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice, and an answer to the allegations contained in the temporary suspension order of May 14, 1969, as provided in Rule 7 of the Commission's rules of practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That Monte Cristo Corp., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7) shall file an answer to the allegations set forth in the Commission's temporary suspension order dated May 14, 1969. Such answer shall be filed in the manner, form, and within the time prescribed by 17 CFR 201.7.

Notice is hereby given that if Monte Cristo Corp. fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Monte Cristo Corp. by the Commission upon consideration of this notice and order for hearing and the allegations in the Commission's temporary suspension order dated May 14, 1969, which may be deemed to be true.

By the Commission.

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

[F.R. Doc. 69-13351; Filed, Nov. 7, 1969; 8:47 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 69-1]

TRADE INFORMATION COMMITTEE

Request for Public Views on Possible Tariff Changes

1. *Notice*. Pursuant to section 3(b)(3) of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (15 CFR 1102.3(b)(3)), the Trade Information Committee (hereinafter referred to as the Committee) will provide an opportunity for interested parties to present written statements of views concerning possible tariff changes described below.

2. *Subject matter*. The United States has notified the General Agreement on Tariffs and Trade (GATT), under paragraph 1 of Article XXVIII, of its reservation of all rights, including the right to modify all or part of the U.S. concessions on the products described in the following items of the Tariff Schedules of the United States (TSUS):

Stainless-steel table flatware:
TSUS items:

650.08	650.40
650.10	650.54
650.38	651.75

Canned fish and canned whale meat, not fit for human consumption:
TSUS item 184.55 (statistical suffix 0.10).

Light airplanes (less than 10,000 pounds empty weight):
TSUS item 694.40 (statistical suffix 0.40).

The provision of the GATT invoked by the United States permits members once every 3 years to change their commitments to maintain tariffs at the levels bound in previous negotiations. In notifying by September 30, 1969, the United States reserved this option for the products specified.

It is suggested that in presenting their views, interested persons should devote particular attention to the consequences of terminating or suspending in whole or in part the tariff concessions now applicable to the above-listed TSUS items.

3. *Time for submission of written statements*. Not later than twenty (20) days after the publication of this notice in the FEDERAL REGISTER, written statements may be filed with the Committee.

4. *Form of written statement*. The statement shall state clearly the position taken and shall describe with particularity the evidence supporting such position. It shall be submitted in not less than twenty (20) copies, which shall be legibly typed, printed, or duplicated, and of which at least one copy shall be made under oath or affirmation.

5. *Information exempt from public inspection*. Parties are encouraged to support their written statements with all available information, including material that may be of a confidential nature. In this regard, parties are referred to sections 7(c) and 8 of the regulations of the Committee (15 CFR 1111.7(c) and 1111.8) for the provisions concerning information exempt from public inspection. These regulations will be provided on request.

6. *Public inspection of written statements*. Subject to the regulations of the Committee, and in particular sections 7(c) and 8 (15 CFR 1111.7(c) and 1111.8), all written statements filed with the Committee will be open to public inspection, by appointment, at the office of the Chairman, Room 729, 1800 G Street NW., Washington, D.C. 20506.

7. *Communications*. All communications with regard to this notice shall be addressed to: Chairman, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Room 729, 1800 G Street NW., Washington, D.C., 20506.

LOUIS C. KRAUTHOFF II, *Chairman*.

[F.R. Doc. 69-13321; Filed, Nov. 7, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 35173]

NORFOLK AND PORTSMOUTH BELT LINE RAILROAD CO.

Intrastate Switching Charges at Norfolk, Chesapeake, and Portsmouth, Va.

At a session of the Interstate Commerce Commission, Division 2, held at its

office in Washington, D.C., on the 28th day of October 1969.

Upon consideration of the petition filed on October 14, 1969, by Norfolk and Portsmouth Belt Line Railroad Co.; and

It appearing, That the petitioner, in its Tariff 1–B, ICC No. 128, V.C.C. No. 52, effective September 30, 1967, increased the switching charges applicable on interstate traffic to $27.70 and $50.24 per car for interterminal and intraterminal movements, respectively; that application was made to the State Corporation Commission of Virginia for authority to increase the charges applicable on intrastate traffic to the same level; but that, by order of January 10, 1969, the State Corporation Commission declined to grant the full amount of the increases sought, allowing instead the establishment of charges of $27 and $38 per car for interterminal and intraterminal movements, respectively;

It further appearing, That the Interstate Commerce Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 714 (1969), approved a general increase of 6 percent on, among other things, certain classes of switching charges, such increases having been made effective on interstate traffic over the petitioner's lines on January 30, 1969; that application was made to the State Corporation Commission of Virginia for authority to increase the charges applicable to intrastate traffic by the same amount; but that, by order of July 14, 1969, the State Corporation Commission declined to grant the increases sought;

It further appearing, That the petitioner alleges in its petition that: (1) interstate and intrastate traffic are generally commingled and handled by the same yard-engine switching movements; (2) the cost of performing the service and the transportation conditions are no more favorable to intrastate traffic than to interstate traffic; (3) the currently applicable intrastate charges are unjustly and unreasonably low for the service performed; (4) the sought increases on intrastate traffic will not cause any substantial diversion of traffic and will produce sufficient revenue to enable the petitioner to provide adequate and efficient service at the lowest possible cost consistent therewith; (5) the disparity in charges operates as a discrimination against, and results in an undue burden upon, interstate commerce; and (6) the disparity in charges causes an undue and unreasonable advantage and preference to shippers and receivers in Virginia intrastate commerce, on the one hand, and undue prejudice to shippers and receivers in interstate and foreign commerce, on the other;

And it further appearing, That the matters raised in the petition are sufficient to require an investigation thereof by this Commission;

Wherefore, and for good cause:

It is ordered, That, pursuant to section 13 of the Interstate Commerce Act, an investigation be, and it is hereby, instituted into the matters and things presented in the petition.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying the Commission in writing on or before December 3, 1969. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; however, mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has past, the Secretary will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon the petitioner; that the Commonwealth of Virginia be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Virginia, Richmond, Va., and a copy to the State Corporation Commission of Virginia, Richmond, Va.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as may hereafter be designated.

By the Commission, Division 2.

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

[F.R. Doc. 69–13355; Filed, Nov. 7, 1969; 8:48 a.m.]

[Special Permission No. 70–1843]

ATLANTIC-GULF COASTWIDE STEAMSHIP FREIGHT BUREAU

Authority To Depart From the Necessary Tariff Publishing Rules To Publish a Master Tariff

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on this 3d day of November 1969.

Upon consideration of special permission application No. 90, as amended, filed by Atlantic-Gulf Coastwise Steamship Frieght Bureau, agent, for and on behalf of carriers engaged in transportation by water and partly by motor or rail and parties to tariffs listed in Appendix I to the application, authority is sought to depart from the necessary rules of Tariff Circular No. 20 to amend by blanket or conventional supplements, effective upon statutory notice, Atlantic-Gulf Coastwise Steamship Freight Bureau, agent's tariff ICC No. 16 and its member carriers' tariffs enumerated in Appendix I of the application to provide that all-water, water-motor, motor-water, motor-water-motor, motor-water-rail, and rail-water-motor rates and charges published therein will be subject to petitioner's Tariff of Increased Rates and Charges X–262, ICC No. 47, as set forth in the application and exhibits attached thereto. A full investigation of the matters and things involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That,

1. Authority to depart from the necessary tariff publishing rules to publish a master tariff, connecting link supplements and other publications outlined in the application, effective upon not less than statutory notice, be, and it is hereby, granted, on condition that, near the bottom of the title page of the proposed publication to ICC No. 16 where it now reads, "Rates and Charges in Tariffs enumerated herein and in prior supplements thereto," shall be changed to read, "rates and charges in this tariff or in prior supplements thereto."

2. The rule relief granted herein extends only to the publications made under the relief authorized in the preceding ordering paragraph.

3. The connecting-link supplements, and provisions within supplements to tariffs which refers to the master tariff, using the short form method shall bear a notation reading substantially as follows:

This form of publication is permitted by authority of Interstate Commerce Commission Permission No. 70–1843 dated November 3, 1969.

4. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted. This and all other relief from the Commission's tariff publishing rules authorized herein shall expire with October 14, 1970.

5. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of publications containing the proposed increased rates and charges, and all tariff filings made hereunder shall be subject to protest, suspension or rejection.

It is further ordered, That, notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

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

[F.R. Doc. 69–13356; Filed, Nov. 7, 1969; 8:48 a.m.]

[Notice 441]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings with 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71656. By order of October 28, 1969, the Motor Carrier Board approved the transfer to R & S Transit, Inc., Marshall, Mo., of a portion of the operating rights in certificate in No. MC-123393 (Sub-No. 127), issued September 6, 1967, to Bilyeu Refrigerated Transport Corp., Marshall, Mo., authorizing the transportation of: Drugs, medicines, toilet preparations, cotton swabs and cotton balls, from Jefferson City, Mo., to Seattle, Wash.; Portland, Oreg.; and Los Angeles and San Francisco, Calif. David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, attorney for applicants.

No. MC-FC-71663. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Tanner Gray Line of Phoenix, Inc., Phoenix, Ariz., of the operating rights in certificate No. MC-65389 issued April 25, 1942, to Arizona Tours, Inc., Phoenix, Ariz., authorizing the transportation of passengers and their baggage, in charter and special operations, from Phoenix, Ariz., and points within 20 miles of Phoenix, to points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and El Paso County, Tex., and return; and in special operations, on one-way sightseeing or pleasure tours, between Globe, Ariz., and Phoenix, Ariz. Harold L. Jerman, 222 North Central Avenue, Suite 1004, Phoenix, Ariz. 85004, attorney for applicants.

No. MC-FC-71683. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Billows Truck Service, Inc., Trenton, N.J., of certificate No. MC-81010 issued November 16, 1964, to Albert L. Billows, doing business as Billows Truck Service, Bakers Basin Road, Rural Delivery No. 1, Trenton, N.J. 08638, authorizing the transportation of: Building materials, machinery, and iron and steel articles, between specified points in New Jersey, and Pennsylvania. Edward N. Barol, 715 One East Penn Square Building, Philadelphia, Pa. 19107, attorney for transferee.

No. MC-FC-71686. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Norma G. Williams and Carol G. Rothermel, a partnership, doing business as Nor-Cal Tank Lines, La Habra, Calif., of the certificate of registration in No. MC-120999 (Sub-No. 1) issued February 3, 1964, to Merrill E. Erskine, doing business as Romar Tank Lines, and acquired by Richard J. Sisneros, doing business as Al-Rich Tank Lines, Santa Fe Springs, Calif., pursuant to approval and consummation in No. MC-FC-70426, evidencing a right to engage in transportation in interstate commerce corresponding in scope to the grant of authority in Decision No. 44399 dated June 20, 1950, and transferred in Decision No. 53350 dated July 10, 1956, issued by the Public Utilities Commission of California. Ernest D. Salm, Registered Practitioner, 3846 Evans Street, Los Angeles, Calif. 90027, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13357; Filed, Nov. 7, 1969; 8:48 a.m.]

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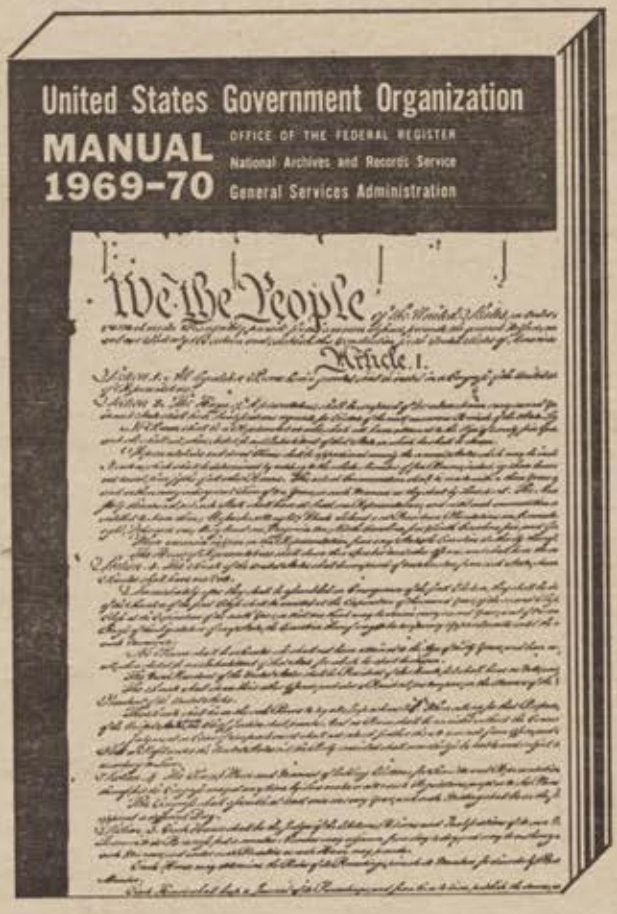

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